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THE  
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OF  
NEW ZEALAND.

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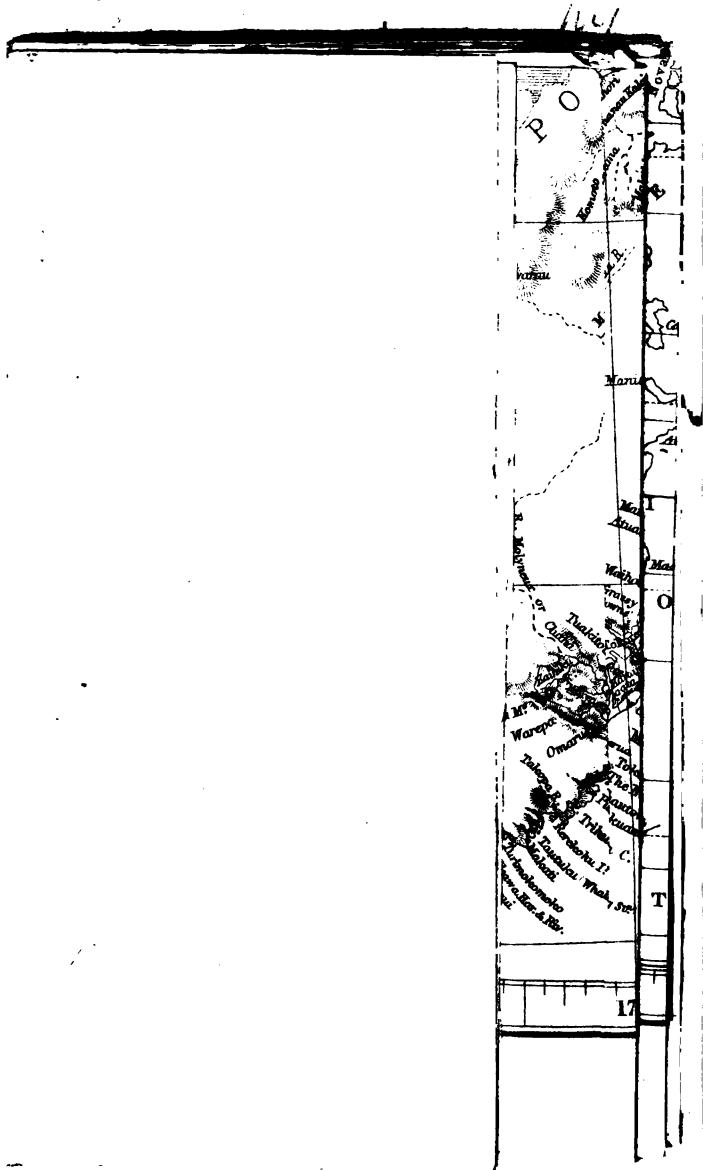
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W. G. Briggs



THE  
SIX COLONIES  
OF  
NEW ZEALAND.

BY  
WILLIAM FOX.

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## P R E F A C E.

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SINCE the termination of the ten nights' debates on New Zealand in the House of Commons in 1845, and the cessation of the native war which ensued soon afterwards, the public mind in England seems to have forgotten the colony altogether. Any interest which is taken in it seems limited to the movements of the Canterbury Association, or to the Parliamentary Grant, which once a year is made in its behalf, when financial reformers express their astonishment that so flourishing a colony as it is represented to be should require such large amounts of British money for its support. On returning home, after nearly nine years' residence in the colony, I find the ignorance of the many, who

know nothing about it, only exceeded by the misapprehensions of the few, who know a little. Under these circumstances, it seems a duty incumbent on me not to keep back the results of my experience.

I left England in 1842, intending to follow the avocations of a private colonist, being a barrister of the Inner Temple, and a graduate of Oxford. In 1843, on the lamented death of Captain Arthur Wakefield, the Resident agent of the New Zealand Company at Nelson, I succeeded him in that office. I held it till early in 1848, when I received the appointment of Attorney-General of the southern province, which I accepted on the distinct assurance that self-government was immediately to be bestowed on the colony. Finding it was not, I resigned; and shortly afterwards, on the death of Colonel Wakefield, the Principal agent of the New Zealand Company, his office devolved on me. It placed me in charge of the Company's interests

in the whole of the southern settlements (including New Plymouth), and afforded me the opportunity of becoming acquainted officially and personally with all their affairs. Immediately before leaving the colony, I was appointed Honorary Political Agent in England for the settlement of Wellington. In addition to five years' residence at Nelson, and three and a half at Wellington, I visited Auckland for three weeks, New Plymouth for ten days, Wanganui twice, Otago twice, Canterbury thrice (exploring a large part of the district), and many other parts of the country, where no inhabitants, either European or native, are to be found.

My opportunities for observation, and my inducements to observe, have therefore been at least equal to those of any person who ever visited the colony; and this will, I hope, be held to afford a sufficient excuse for the publication of the following pages.

For the valuable Map which is attached, I

am indebted to Mr. Arrowsmith, who obligingly placed the plate at my disposal. It is the only map of New Zealand that I have met with which is at all complete or accurate; and it brings down the geographical corrections and discoveries to the latest date, being founded on the most authentic, recent, and original documents.

*London, July 25, 1851.*

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# THE SIX COLONIES OF NEW ZEALAND.

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## CHAPTER I. DESCRIPTIVE AND STATISTICAL.

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### § 1. GENERAL DESCRIPTION OF THE ISLANDS.

I NEED scarcely commence an account of New Zealand by saying, that it lies in the Pacific Ocean; consists of three islands, the Northern, Middle, and Southern; and is not a part of New South Wales. Nor is it necessary to speak of its position relatively to Australia, Van Diemen's Land, India, China, or the Polynesian groups. All this any map will tell at a glance. I shall at once proceed to give a brief general description of the physical character of the islands.

The geological formation of New Zealand is volcanic. The most marked traces of igneous action are to be seen in the neighbourhood of Auckland, where, within sight of the town, are twenty-nine or thirty extinct craters, of various

elevations up to 300 or 400 feet : some of them, as Mount Hobson and Mount Eden, in a state of great perfection. Around them, on every side, lie masses of scoria, varying in size from vast rocks to mere marbles. Curious caves are interspersed occasionally, as at the 'Three Kings,' which have been used as catacombs by the natives, and are full of dead men's bones. As you proceed towards the centre of the island, evidences of more recent volcanic action exist in the boiling springs of Roturua, and the smoking fissures and sulphurous deposits of White Island, in the Bay of Plenty. At Wanganui, on the northern shore of Cook's Strait, are quantities of pumice-stone, floated down the river from the interior ; and the rugged hills which surround Port Nicholson, bear evidence of a decided, though doubtless somewhat ancient, upheaving of the surface of the earth. The middle island exhibits fewer outward evidences of a volcanic origin : there is a greater extent of level land, and the farther south you go the more broken down (or degraded, as, I believe, the geologists term it,) is the appearance of the country. There is, however, one rugged and craggy chain of mountains, which runs completely through the island, nearly north and south, approaching the western coast to within a

few miles of the sea, while it leaves a great extent of level or undulating land on the eastern side.

The southern, or Stewart's, island is mountainous, but indented with fine harbours.

The harbours of the colony are one of its most remarkable features. It possesses a great number, many of first-rate excellence. But one inconvenience attends most of them : they are not generally in immediate connexion with any considerable quantity of level land. The Irish moralist, who illustrated the goodness of Providence by the fact of its having placed all the great rivers by the side of the great towns, would have been at a loss to reconcile his theory with the physical character of New Zealand in this respect. Some of the finest districts of the north, such as Mokau, Kawhia, Taranaki, and the whole coast from the latter down to Wellington, are without any harbours accessible to vessels of more than the lowest tonnage and draft. Two of the finest in the colony, Akaroa and Port Hardy, have scarcely an acre of available land about them, while even Port Lyttelton and Otago are separated from the open country by heavy ridges of mountains or hills. None of the rivers are navigable for any great distance ; and, with two exceptions—New River, in Foveaux Strait, and, I

believe, the Thames, in the north—are only available for small craft.

The natural vegetation of the soil is of three sorts—forest, fern, and grass. The former is interspersed all through the country, chiefly in the more mountainous parts, though groves of fine timber are to be found scattered over the level portions. The kowrie, which is confined to the north, the totara, and the red and the white pines, grow to a great height, are of large girth, and without a single lateral branch below the top. They are all excellent timber, easily worked, free from knots, and (except the white pine) durable in the open air. The black birch grows on poor and hilly land; it is a fine, large tree, considerably harder than the pines, and proves a good timber for ship-building purposes.

The fern is chiefly found in the northern island. When it grows strong (say to the height of four or five feet) it is an indication of a good soil; but it appears to sour or exhaust the land, and the complete eradication of its roots and stems requires a good deal of labour; consequently, though fern land is easily broken up, the first, and probably the second, crop is seldom a good one.

The whole of the eastern portion of the middle island, and some extensive plains on the

northern shore of Cook's Strait, extending as far as Wanganui and Hawke's Bay, are clothed with most excellent natural pasture. To the north of this, scarcely any indigenous grass is to be found. The grazing operations of the colony will consequently be confined to that portion of it which lies south of a line drawn from Cape Egmont to Hawke's Bay—in other words, to the southern province. The portions of the island north of that line, present no facilities for grazing, and can never become a field for pastoral enterprise. For though artificial grasses grow there to great perfection, it would be a losing speculation in a new country to lay down any quantity of land with grass for mere grazing purposes.

It is extremely difficult to form any estimate of the quantity of stock which the grazing districts of New Zealand will carry. All that can be said with certainty, is, that the natural pasture is as good as any in the world, and that there are millions of acres of it, comprising various grasses, equally fitted for cattle and sheep. The former will succeed best on the level ground, where the herbage is heavier and more rank; the latter will chiefly occupy the hills and undulating ground, than which no finer 'runs' can probably be found anywhere.

There are, perhaps, portions of the country where a sheep could be kept to every acre, even in its present condition, all the year round ; but, generally speaking, two, or even three acres per sheep, would be requisite to maintain a flock, allowing sufficient space for its proper division and management. An experienced grazier from New South Wales, who had, however, only seen a portion of the grazing country of New Zealand, estimated that the middle island and Cook's Strait would, in its present state, carry six or seven millions of sheep. There is no doubt that as the country is occupied with flocks, the quality and quantity of the pasture will both greatly improve, as they have always done hitherto wherever tried.

The climate and country in the southern province are both admirably adapted for sheep. The average annual increase on a breeding flock, supposing it to be in fair condition, and on good keep, is not less than 90 per cent. ; and a flock of merinos will clip four pounds of wool all round, exclusive of young lambs. The deaths, in a district free from native dogs, will not exceed a half per cent., that is, one sheep in two hundred ; though if among many natives the mortality from this cause may amount to 10 per cent., or more. The average probably,

from all causes, will not exceed three or four per cent.\* Sheep farming will, probably, for many years to come, be by far the most profitable undertaking in which the colonist can engage. If he can secure a run which will carry, say ten thousand sheep, and will place one thousand upon it on his arrival in the colony, seven or eight years will see him in possession of the former number. His annual clip of wool will then be worth at least 1500*l.*, while his lambs, and the tallow of such surplus as he may sell or boil down, will amount to nearly as much more. The expenses will depend on the distance of his run from a port, the amount of his personal superintendence and skill, the rate of wages in the colony for the time being, and other circumstances.

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\* The above figures are the result of the six or seven years' personal experience of a joint owner of the largest flock in New Zealand, containing nearly 20,000 sheep. It was kept at two different stations, one in the midst of native tribes—the other remote from them. The only dogs which give any trouble are either those belonging to the natives, or a few which have escaped and run wild. But their number is not great, and they are being rapidly exterminated. There are no indigenous native dogs, such as the Australian 'dingo;' nor is it necessary to protect the sheep from them at night by folding.

Dairy farming will also, probably, be found to pay well. Independently of the local consumption, there is always a great demand for butter and cheese in New South Wales, and that which has already been sent thither from New Zealand has met with a ready sale at a good price; and, for some years to come, young stock will probably find a sale in the colony to new comers.

New Zealand will be essentially a horse-breeding country also. The vast plains and open country invite the gallop, and a taste for racing has already exhibited itself in all the settlements. The pursuits of a colonist necessitate his being much on horseback; a horse is easily kept, and, in a few years, almost everybody will own one. In New South Wales there is one horse to about every two souls of the population.

All kinds of live stock are imported from New South Wales and Van Diemen's Land, at very moderate prices.\* But though a good, useful animal of every sort is imported by per-

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\* Horses from 10*l.* to 40*l.*; cattle from 6*l.* to 10*l.*; sheep from 15*s.* to 20*s.* for maiden ewes. These had been the average prices in Wellington and Nelson for two or three years before I left the colony. In a new settlement they may range ten per cent. higher.

sons who make it a trade, if the colonist wishes to procure a really superior breed, he will be wise in selecting them himself in those colonies. First-rate animals can be obtained in either, but are not generally exported on speculation. If the colonist makes his purchases personally in the Australian colonies, the risk of the voyage will fall on himself, but if advantage be taken of the summer season, and personal superintendence exercised, there is not much danger. The transport of stock should never be left to others, if they are to be at the risk of the purchaser during the voyage.

There are very few diseases among live stock in New Zealand. From the most fatal one of New South Wales, the catarrh, which sometimes sweeps off tens of thousands of sheep in a few days, it is entirely free; and as that disease appears to be the result of drought, it will probably remain so. Scab, among sheep, is common and troublesome, but can be eradicated by the usual remedies. The rot, I believe, does not exist, nor the foot rot, unless in an isolated case, where a sheep may have got into wet ground.

Among cattle, there are few or no complaints. But there is a shrub which is poisonous to them (the tutu), when they are newly imported, or it is eaten on an empty stomach. But they get

accustomed to it, and the loss from this cause among cattle born in the country, or acclimated, is quite inconsiderable. Great care should be taken to prevent valuable newly imported cattle from getting at it. Two out of four thoroughbred cows, imported in the first Canterbury ships, fell victims to it.

The capitalist can scarcely do wrong to invest in live stock so long as there is an acre of grazing ground to be had. But some will, perhaps, prefer other pursuits, and engage in agriculture or commerce. There are, no doubt, opportunities for both. Professional men should not be recommended to emigrate, unless they have some means of livelihood collateral to their profession.

Labourers, if steady, invariably succeed. Wages are seldom lower (for the most ordinary kinds of labour) than from 2s. 6d. to 3s. 6d. a day; while mechanics will get as much as six and seven shillings for a day of eight hours, and provisions cheaper than in England. A prudent and sober man soon becomes independent, and at the end of five or six years he is probably an employer of labour himself, and grumbles heartily at the high rate of wages he is obliged to pay. I have before me a copy of a return made in 1848, from which some idea of the prosperity of this class may be formed. Forty-six labourers

at Wellington exhibited as the result of seven or eight years colonization, the following amount of property:—

	Acres.	
Land cleared . . .	464	being 10 each.
Do. in crop . . .	297	— 6½ —
Cattle . . . . .	255	or 5 —

And this though, owing to political causes, three years of this period had been a season of great depression and absolute distress.

At Nelson, according to the same return, fifty labourers, in the same period, and under similar disadvantages, had—

	Acres.	
Land in crop . . . . .	402	or 8 each.
Cattle . . . . .	589	— 11 —
Sheep . . . . .	606	— 12 —
Goats . . . . .	679	— 13 —
Pigs . . . . .	392	— 7 —

Let the Wiltshire or Somersetshire labourer, whose usual wages are from six to seven shillings a week, and whose usual diet potatoes or skilli-galee, be made aware that there is such a land of milk and honey to be got at by a four months' voyage, and I cannot help thinking that it would be very difficult to keep him where he is. The only impediment to his removal would be, how to find the means of paying his passage, and that might easily be done if government or the pauper burdened parishes would assist. Let the amount be advanced, and a promissory note for

its repayment be given by the emigrant. This security would be transmitted with him to the colony, and be recoverable before a justice of the peace. Some department of the local government should be charged with the duty of enforcing payment; and I doubt not that very few cases of evasion would occur. A proposition was made to the Colonial Office to this effect in 1849, but rejected as impracticable, apparently without consideration, or under misapprehension. Private parties (as Mrs. Chisholm) have not found such a system impracticable, and there seems no reason why a government should. The peculiar character of New Zealand, and the limited extent of its population, afford facilities for the experiment, and a prospect of its success, which might not exist in colonies of larger extent and population. It might fail in Canada—it scarcely could in Madeira, if the latter were a British colony; between Madeira and Canada it is only a question of degree, and New Zealand, I think, comes within the limits in which the proposal would be perfectly practicable.

The climate of New Zealand is, for the purposes of health and production, probably about the finest in the world. It is milder and more sunshiny than England; it is not so hot as Italy or Australia. Whatever will grow in England will grow there; many things flourish

there, for which England is too cold, or the south of Europe too hot. Thus the grape ripens to perfection in the open air, which it will not in England; and so does the gooseberry, which will not in Spain. The only respect in which it could be improved is the wind; not that it blows harder than it blows in England, but it blows hard oftener. This, however, is at most only an annoyance,—not an actual fault of climate; and even in the windiest places people become so used to it, that I have heard an old resident express his disgust at a calm day. The windiness of the climate has been much exaggerated, owing to most of the early accounts from the colony, and many of the later having emanated from the town of Wellington, which, being situated in a sort of funnel, is windy, par excellence. The windiest season all through the colony, is from November to January inclusive—the early part of the New Zealand summer. It is remarkable that the winter is the calmest season, when there are often long intervals of perfectly tranquil and fine weather.

Meteorological registers have been kept in various parts of the colony, and a good idea of the climate may be formed from them. In one kept at Nelson, I find in the seven summer months the following number of ‘fine sunny days:’—September, 25; October, 20; Novem-

ber, 19; December, 21; January, 16; February, 19; March, 24; while the winter season gives,—April, 20; May, 15; June, 21; July, 20; and August, 15. In September and February there was not one rainy day, and the greatest number of rainy days in any month was in May, when there were six, and five cloudy, and five showery. It should be observed, that in New Zealand a ‘fine sunshiny day’ means a day of clear, unclouded sunshine, from morning to night. In the register before me, cloudy days are distinguished, as are showery ones also. At New Plymouth, the number of ‘fine sunshiny days’ was,—September, 21; October, 19; November, 18; December, 21; January, 25; February, 20; March, 24; April, 16; May, 17; June, 14; July, 18; and August, 16. In the three summer months of December, January, and February last, according to a register kept at Wellington, there were only two days of continued rain, and seven showery, all the rest being brilliant sunshine, yet without any approach to drought, or causing any shortness of keep for the cattle. Let any one compare these, which are fair average registers, with an English one, and he will see at once how many more fine sunshiny days there are in New Zealand.

The range of the thermometer shows perhaps

the smallest variation of any in the world. In a register kept at Wellington, the highest mean in the shade, for the summer month of January, was 67 Fahr.; the lowest mean, in July (mid-winter), only 51. In England, the highest in the corresponding months was 62, the lowest 36; the difference in New Zealand being 16, in England 26.\* In Cook's Strait, and to the north, snow has only once in ten years been seen on the level ground, and it did not then lie two hours. At Otago, the southern portion of the middle island, it has only been known to lie for three days in the whole of the severest winter yet experienced. The foliage, with the exception of some half-dozen trees, is all ever-green; and the small green parroquet, a very delicate bird, is found winter and summer in Stuart's Island.

Nevertheless, with all these facts in its favour, some persons may not think it an extraordinarily pleasant climate. It wants the balminess of the Italian air. Its summer evenings are infe-

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\* The highest degree to which I have known it attain in Wellington, was 84° in the shade; but in some parts of the colony, as at Canterbury, it stands higher occasionally. The lowest I have known was only one or two degrees below freezing point, which happens very seldom, and only for a few hours at a time.

rior even to the English, when the English do get a fine one. In some places there is more wind at times than is altogether agreeable. But any one who rejoices in sunshine—who likes a clear elastic air in which blue devils and dyspepsia cannot exist—or who wishes for a climate in which all sorts of European produce flourish, and all sorts of live stock thrive to an amazing degree—will certainly be satisfied with it.

There are no diseases peculiar to it, while many English ones either do not exist at all (as small pox), or with less frequency and virulence, as colds and consumption. No climate will cure the latter when far advanced, but none probably affords a better chance of recovery if the patient be taken there in the earliest stages. I could mention more than one instance of recovery, in cases which would certainly have ended fatally in England.

The European population (civilian) in the colony at the beginning of 1850, was as follows:—

Wellington . . . . .	4747
Thence to Wanganui, inclusive . . . .	654
New Plymouth . . . . .	1200
Nelson . . . . .	3372
Otago . . . . .	1215
Canterbury, Akaroa, and Banks' Peninsula	734
Auckland and the north, about . . . .	7000

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18,922

To which must now be added about 3000 emigrants to Canterbury, 300 or 400 soldiers discharged from the two regiments, and an increase by births at 4 per cent., which will give a total of about 23,122.

The first colonization of New Zealand was rude and irregular, effected by runaway sailors, escaped convicts, and the hardy but rugged and nondescript characters who carried on the shore-whaling establishments. There were probably not less than 1000 of them in the country when regular colonization began. They have now, in great degree, disappeared—having either died off, quitted the colony for haunts where they are subjected to less control, or become merged in the growing population.

The regular colonization of the country commenced at Wellington in 1839, and has been effected hitherto in much the same manner as Asia Minor, Sicily, parts of Italy, and North America were colonized—by the location of separate communities at various points of the sea-coast, separated from each other by physical barriers. Each settlement has had a distinct origin and a separate aim, which, combined with their local separation, makes them more truly distinct colonies than Virginia and Maryland, or Delaware and New Jersey. One left England as the pioneer of New Zealand colo-

nization, and still retains its old recollections of native negotiations and the early hazards of the enterprise ; another, of later date, is remarkable as a Scotch settlement, and revives the recollections of the old country by its kirk, its manse and its minister, with its names of Dun-Edin, Leith Water, and the Clutha ; another consists all of Devonshire and Cornwall men ; another carries out a segment of the Church of England, with a bishop and his clergy, as a nucleus round which its sentiment is to grow ; while another claims to be cosmopolite, and scorns all specialities and exclusivism. Nor do the physical characters of each, and the pursuits of their inhabitants, differ less than their moral features. One is more commercial, another more pastoral, a third more agricultural, while a fourth depends on native trade and government expenditure. Hence arises, in a peculiar manner the necessity for a complete localization of the institutions of government ; and nothing has more tended to retard the progress of these colonies than the attempt to govern them by a system of centralization, the head-quarters of which are removed 200 miles from the nearest, and 800 from the most distant of them. But this will more appropriately form the subject of a subsequent section.

On the subject of society and the provi-

sion for the religious, educational, and physical wants of the colonists, a few words will suffice. An immigrant will probably judge of the society by what he has been accustomed to at home—it may be too good for some, not good enough for others. I will not pretend to pronounce upon its merits or demerits; but this I will say, that let him go to which settlement he chooses, he will, if he be worthy of it, be received with genuine kindness and hospitality, and with a cordial welcome to the country of his adoption. The habits of all classes are at least as moral and respectable as those of the same grade in the old country, and in some respects perhaps more so.

As regards provision for religious wants, the amount is pretty nearly equal to that at home. Every leading church of the old country has its representative there. At Wellington, for instance, there are two clergymen of the Established Church, with two churches in the town, and two or three chapels in the country; a Roman Catholic church, with a bishop and several priests; a Wesleyan minister with a large chapel in town, and smaller ones in the country; a Scotch kirk (established) in the town; Independents, Primitive Methodists, and perhaps one or two more. At Nelson there is a similar provision, in proportion to the size of the settlement, and so in each of them.

Schools are also to be found in each settlement, generally attached to each religious denomination. Nelson has made itself remarkable by an educational movement, which bids fair to become an enthusiasm with the colonists there. Numerous schools on the British and Foreign system, educate an unusually large proportion of the children, and work harmoniously with those founded by religious sects. The credit of their organization and success is due to Mr. Matthew Campbell, whose exertions in their behalf have been most zealous and unwearied. It is unfortunate that, by an educational ordinance passed at Auckland, they are the only schools in the colony excluded from the right to receive aid from the state, though, perhaps, of all others the most deserving its support. Education for the upper classes is on the whole defective, but it is beginning to be supplied by degrees. A very good high school appears to have been founded at Auckland by the Wesleyans. Bishop Selwyn's college is also established there, though, when I visited it, it seemed not well adapted for general education, and not very successful. A college, or school, is in process of formation at Canterbury; and private academies, 'classical and commercial,' are to be found in the other settlements.

The physical wants of the colonists are amply

provided for. Flour usually ranges from 12*l.* to 17*l.* a ton, being about 2*d.* a pound for bread; meat of excellent quality, 5*d.* to 6*d.* a pound; tea, coffee, (without chicory) and sugar, as cheap, or cheaper, than in England; butter, from 9*d.* to 1*s.* 3*d.*; cheese, about 1*s.* a pound; bacon, 7*d.*; potatoes 3*l.* a ton; vegetables everybody grows for himself; poultry varies in different settlements; turkeys, at Nelson, 2*s.* 6*d.*; Wellington, 7*s.*; fowls, at Nelson, 1*s.* 6*d.* a couple; at Wellington, 3*s.* In a new settlement, such as Canterbury, most of these minor articles will be dear, and some not to be had till the colonists produce them for themselves; but, in a year or two, everything becomes plentiful and reasonably cheap. New Plymouth and Nelson are the best supplied and cheapest markets. At Wellington and Auckland prices are raised by the presence of the troops and shipping; but a country settler produces most things for himself, and does not much feel the higher prices of the towns.

Land is to be purchased in all the settlements; in the older ones, where the sales and other arrangements of the government and the company have glutted the market, it can be bought at prices varying from 6*s.* or 7*s.* an acre, up to 6*l.* or 8*l.*, the former at a distance, the latter close to the towns. The Canterbury and

Otago Associations still sell on the terms of the respective schemes, providing a fund from the proceeds for public purposes, such as founding schools and churches, making roads and bridges, and introducing immigrants.

Having now touched upon those points which are generally applicable to the whole colony, I shall briefly describe each settlement separately, dwelling chiefly on the particulars in respect of which they differ from each other.

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## § 2. THE SEPARATE SETTLEMENTS.

The settlements, or colonies, now existing in New Zealand, are six in number :—Wellington, Nelson, Otago, and Canterbury, in the southern province; Auckland and New Plymouth\* in the northern.

### 1. WELLINGTON, founded in 1839, was the first

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\* New Plymouth has been bandied about from one province to the other. It is, I believe, again restored, or about to be, to the southern. The Bay of Islands, though possessing a government staff, is a mere insignificant dependency of Auckland. Wanganui is a portion of the settlement of Wellington, and will ultimately (even more decidedly than at present) become identified with it. It has Wellington for its port of deposit, and its inhabitants are chiefly from that settlement.

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regular settlement established in the colony. It is the seat of government of the southern province. Its most important feature is its fine harbour, which consists of a salt-water lake or inlet of the sea, about six miles in diameter, and land-locked on every side. At one side of this is the valley of the Hutt, containing about 15,000 acres of land of first-rate fertility, but heavily timbered. The rest of the country, for twenty or thirty miles on each side, consists of hills, varying in height from 500 to 1500 feet, interspersed with narrow valleys or portions of table-land, of a good soil, but covered with dense forests. From this description, it is evident that the character of the country in the immediate neighbourhood of Wellington is at present neither pastoral nor agricultural, and can only become the latter by the expenditure of great labour in clearing off the timber.

But Wellington will be the port of deposit for fine districts equally fitted for pasture and agriculture, which commence at a distance of thirty or forty miles on either side of it. On the north-west the mountains begin to recede from the coast, at a distance of about thirty miles from Wellington, gradually leaving a splendid tract, which extends, with few breaks, all the way to New Plymouth. On the east side, at the head of Palliser Bay, is the fine

valley of the Wiararapa, containing about 350,000 acres of level land, connected with large level grassy plains, divided from each other by low hills, which extend up to Hawkes Bay on the one hand, and the head of the Manawatu river on the other.

Of these fertile districts, however, a small portion only, amounting to about 300,000 acres, has yet been purchased by the government, and placed at the disposal of the colonists. Another portion, under arrangements of a most objectionable character, which will be further alluded to in a subsequent page, is occupied by graziers, holding as tenants under the natives. But the greater part of the country referred to remains unoccupied,—millions of acres, capable of maintaining millions of people, but which the natives, though they make no use of them themselves, will not sell to the Europeans, nor permit them to occupy in any way. And their title to the waste lands having, by an unfortunate policy, been recognised as valid by the British government (a point which will be touched upon hereafter), there is no course to be pursued except to wait patiently till the natives either become extinct, or can be persuaded to change their minds. But, considering that it has been by a mistaken policy of the British government that the native ownership of the waste lands has

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been recognised, it would seem incumbent on it to make any reasonable sacrifice to obtain, by purchase, districts which are of vital importance to the prosperity of Wellington. It is probably, after all, only a question of money; and, under the circumstances, even if it should cost £50,000, it does not seem unreasonable to suggest that it is the duty of government to obtain the Manawatu, Wairarapa, and Hawke's Bay districts without delay. The outlay would soon be repaid by the rapid prosperity of the country so purchased, and of Wellington, which, without it, cannot make any considerable progress.

The fact of its being the medium of supply for the more recently-founded settlements in Cook's Strait, and, latterly, a depôt for troops, and its having, together with Auckland, enjoyed a monopoly of the government expenditure of parliamentary grants and other large sums of money, combined with the deficiency of open land and the existence of a fine harbour, have given Wellington a commercial character, to an extent not perhaps altogether consistent with its actual progress as a settlement. Too many of the population have been engaged in commercial pursuits and shopkeeping. There is, however, a solid substratum of *bonâ fide* colonization, many colonists of the upper class being settled on the land, and owning large quantities of sheep and

cattle in the Wiararapa or Rangetiki, and not less than from 400 to 500 families of the labouring class cultivating land on their own account.

2. NELSON, founded in 1841, organized in England under different leaders, and, in many respects, different circumstances from Wellington, is, perhaps, the most successful instance of a self-supporting, self-relying settlement which the history of British colonization has exhibited since the American colonies were founded. Port Philip or Adelaide may be cited as instances of more rapid and greater prosperity; but their overland communication with New South Wales deprives them of the character of new colonies in any rational sense. It was merely the grazier driving his flocks from one field into the next. The subsequent discovery of copper in South Australia has given it a new ground for sudden prosperity, but one not at all in unison with, or dependent in any way on wholesome colonization. Nelson owes its success entirely to itself; it has never participated in the immense sums of money expended at Auckland and Wellington, but has patiently dug its own maintenance out of the ground. It presents, in consequence, a much healthier aspect than either of them, is entirely inde-

pendent of extraneous support, and not liable to be injured or destroyed by the withdrawal of troops, or cessation of parliamentary grants.

The settlement lies at the bottom of Blind Bay. There are about 50,000 acres of level, or nearly level land, in immediate connexion with the port, but probably not more than half of this is adapted for agricultural purposes. There is, however, much more good land than the present population can use or occupy. The whole of it has been sold to purchasers under the New Zealand Company, but more than three-fourths of those are absentees, and no difficulty will, I believe, be found in purchasing from them, or their agents, at moderate prices, as much land as any emigrant may want, within a distance of from one to forty miles of the town.

Forming part of the Nelson settlement, but separated by a ridge of mountains which necessitates a journey round of sixty or seventy miles, is the Wairau valley and plain, consisting of about 250,000 acres of land, the lower portion of first-rate quality, the upper only fit for grazing purposes. It is surrounded by hills which afford excellent sheep-runs, and which are occupied by Nelson settlers, many of whom live in the Blind Bay district, intrust their flocks in the Wairau to a shepherd, and only occasionally visit them in person.

The country west and south of Nelson presents few facilities for colonization. It has been explored as far down as Cascade point, in lat. 44 S., by Mr. Brunner, who performed three journeys through it, two of them of great enterprise and difficulty, in the years 1846, 1847, and 1848. His last and most interesting journal has been published (in a very brief shape however) in the Parliamentary Papers of 1850.

The country which lies east and south of Nelson and the Wairau has been explored within the last year by Captain Mitchell and Mr. Dashwood. A connexion has been established between the Nelson and Canterbury district, running behind the Kaikora mountains, and consisting almost entirely of fine grazing country, interspersed with plains, adapted for agricultural purposes. Mr. Weld subsequently explored, successfully, a route on the seaward side of the mountains, which proved perfectly available for sheep or cattle, and he discovered an easier access than Messrs. Mitchell and Dashwood had done to the country connecting, on the other side, with Canterbury.\* As uniting the two settlements, and opening up

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\* His journal is published in the Government Gazette, Southern Province, February 21, 1851.

a fine tract of country previously unexplored, these were among the most useful discoveries yet made in the colony.

The principal charm of Nelson is its climate; which, owing to the comparative absence of wind, and the extreme clearness of the air, is superior, probably, to any other in the colony. I have known the sky without a cloud by day or night for a month together, even in the winter; and in that season geraniums, cenothersas, picotees, and other English summer flowers will be found in full blossom. Yet the heat of summer is never oppressive, the thermometer seldom higher than 80° or 82°, owing, probably, to a light sea-breeze setting in regularly every day about ten A. M., and blowing till sunset, when it changes to the exactly opposite quarter.

3. OTAGO, which is situated on the southern portion of the east coast of the middle island, was founded in 1847 by a body of colonists organized in, and proceeding from, Scotland, in connexion with the Free Church, for the endowment of which, and of schools in connexion with it, a portion of the fund arising from land sales is appropriated. The principle is the same as that adopted in the Canterbury settlement. It is special, but not exclusive. The Scotch Free Church in the one case, the English Established

Church in the other, is the only one which receives any endowment from the funds of the settlement which are contributed by the land purchasers. But all other sects are at liberty to establish their own churches, and entitled to equal political and social rights with the members of the endowed one. It is only a question of private endowment. The church so endowed does not become a state or established church.

Otago is a very good country for settlement. There is probably none much better. It has a tolerably good and extremely picturesque harbour, which a rough Scotch emigrant of the labouring class told me reminded him of Scott's description of the Trosachs. He was quite right in the resemblance between the two places, though he had never seen the Trosachs. There is a considerable amount of available land around the harbour, and within a mile or two of the town of Dun-Edin. But the principal rural districts commence about seven or eight miles off. They consist of four plains, surrounded by grassy hills, all of them of good land, but the Molyneux, which is the largest, particularly so. There is already water carriage through a great part of the district, and ultimately it will all be connected with the greatest ease by a canal, of which three-fourths have been formed by nature. Its

grazing capabilities are also very great, as it is almost entirely a grass country, and connected through the Molyneux with a still more extensive level grazing country, bordering on Foveaux Strait.

This latter district was explored in 1850 by Captain Stokes, R.N., and other officers of H.M. steamer *Acheron*, and proved one of the greatest value.\* It possesses a very good harbour at the 'Bluff,' in which the *Acheron* lay for some weeks—a river called the New River, navigable for large vessels; and a smaller one, known as Jacob's River, adapted for coasters. There is a good supply of timber scattered through the district.

The climate of Otago seems to resemble that of Wellington. There are more flying clouds and more wind than in many other parts of the colony, but the climate is good on the whole, and extremely healthy—certainly no Scotchman nor Englishman either need complain of it. I was there when a colonist arrived who had lost his health by a long residence in India, and who

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\* Perhaps the greatest benefit conferred on New Zealand by the home government has been the survey of its coasts and harbours by an officer of such established reputation, assisted by others of great experience and ability.

had been unable to regain it on the continent of Europe and the watering places of England. He seemed completely shaken to pieces. I saw him a year afterwards, when his health seemed entirely restored—he was full of activity, enjoying life, and engaged at that particular moment in presiding over one of the pleasantest scenes I witnessed in New Zealand—a harvest home, attended by some thirty or forty labourers, and their wives and children, who were in his employment.

Otago has made comparatively but little progress. It seems to have been neglected in Scotland. It has been hinted that the ministers of the Free Church are afraid of encouraging emigration, lest it decrease the number of the members of their church at home, which is in a position of rivalry with the Established Church in respect of numbers and funds. If they knew how great a boon they were conferring on the labourer by inviting him to emigrate, men of their devotedness and high character would not be induced by any motive of personal or ecclesiastical interest to discourage him from taking that step.

4. CANTERBURY is yet in progress of formation; but it cannot fail to be one of the most important settlements in New Zealand. Eighteen

ships, containing 3000 colonists, have sailed for it within the last twelve months. It has for its field of operations an immense level plain of more than two million acres, on the east coast of the middle island, and abreast of Banks' Peninsula, one of the harbours of which (extremely easy of access and egress) affords it a port. It contains many hundred thousand acres of excellent agricultural land. It is almost entirely a grass country, and borders on other fine grazing districts, extending on the north nearly as far as Nelson, and on the south to Otago. It is, on the whole, as fine a tract as has ever been colonized. The port of Lyttelton will be the depôt of the produce of a third part of the east side of the middle island, there being no other place from which it can be exported, on a coast line of upwards of 150 miles in length.

The only drawback in the district with which I am acquainted is, that the timber is not conveniently scattered over it, but lies on Banks' Peninsula on the one side, and on the hills opposite the coast on the other, where, according to the estimate of Captain Thomas, there are at least 230,000 acres of forest. The distance at which the timber grows, say twenty miles from the centre of the plain on either side, will probably not much affect the value of

sawn timber ; but it will make the supply of rough timber, for fencing or firing, comparatively scarce and dear. Yet perhaps not so much so as might be anticipated. In 1849, firewood was the same price at Auckland (which is worse off for wood than Canterbury) as it was at Wellington, which is in the heart of a forest of thirty miles in extent. In the former case there was water carriage—in the latter it was brought chiefly by land. There are facilities for getting it by water several miles into the Canterbury plains ; and when the settlement is fully formed, and employment is properly organized, there is little doubt the supply of wood from Banks' Peninsula and the hills will form a regular trade, and the price become reasonably moderate. Coal from New South Wales is now imported at 2*l.* per ton, a price not very excessive, and which will no doubt be reduced, as it is sold in Australia at 7*s.*

Some reports disparaging this district have been circulated in England. The absence of any complaints from the colonists themselves, who, after three months' examination of the country, speak of it in the highest terms, ought to be perfectly satisfactory to the most sceptical, independently of the reports of numerous parties of high character and intelligence, who have carefully examined the country, and re-

ported most favourably of it; among whom are the Bishop of New Zealand; Captain J. Lort Stokes, R. N.; Mr. Evans, sailing-master of H.M.S. *Acheron*; Mr. Hamilton, of the same ship; Captain Mitchell, of the Indian army; Mr. Dashwood, late of the same; Mr. Mantell (son of the geologist); Mr. Weld, of Chideock House, Dorsetshire (now in England); Messrs. Deans, who have resided there for seven years; and numerous others of equal credit. I have myself walked over a great part of it, and formed the highest opinion of it for the site of a settlement.

Whether the Canterbury Association will carry out to the full their scheme of special organization on Church principles, is a question on which colonial experience does not throw much light. No doubt it will depend chiefly on how far the movement is one of settled principle or mere impulse. There seems nothing in the circumstances of the colony to prevent a strong organization on any given principle, if those who carry it out are sufficiently imbued with it, to hold by it till it takes an abiding root in the feelings of the people at large. It is probable that the "speciality" of the scheme will not stand out so prominently in the colony fifty years hence, when its founders have become intermixed with other colonists, who may resort

there with different views; but it will, in all likelihood, always retain something of its original savour. The American States—Pennsylvania, New England, and Maryland—are said each to exhibit a special character of its own, distinctly traceable to the peculiar religious principles on which it was originally founded.

5. NEW PLYMOUTH was founded in 1840, by a company, formed in Devonshire and Cornwall, from which counties its inhabitants have chiefly emigrated. It lies on the west coast of the Northern Island, close to Mount Egmont, which forms at all times a magnificent feature in the scenery. It rises up at once from the level country to a height of 8300 feet, in the most beautiful conical form, and capped with snow for a great part of the year. It is the most elegant, and certainly not the least imposing of mountains. Below lies a beautiful undulating country, bounded by the sea on one side, and on the other stretching away, one vast forest, into the blue distance. The soil is of the very first fertility, and the natural vegetation of every sort, except grass, most abundant. The town or village is extremely picturesque, scattered up and down the sloping sides of easy hills, and more resembling an English village than any other in the colony. Agriculture is

almost the sole employment of the settlers. Their produce is all excellent; the finest poultry, pigs, corn, honey, and everything else that people of simple habits can desire. They have three excellent flour mills, a brewery, a church, a Wesleyan chapel, an independent minister, and schools to match. They have not been turned aside from the true pursuits of a colonist by any government expenditure; and like that of the Nelson settlers, their small society presents an extremely satisfactory aspect. The chief drawback at New Plymouth is the natives. After five years' delay and litigation, the Commissioner of Land Claims decided, that the purchase from the natives, made by the company which founded it, was valid and good. But the chief protector, Mr. Clarke, interfered, and persuaded Governor Fitzroy to reverse the decision. Instead of 60,000 acres which the Commissioner had awarded, he reduced the settlement to 3800, within the limits of which he compelled the colonists to retreat. The rest he abandoned to a turbulent body of natives, who have ever since been a thorn in the side of the colonists. Nearly 30,000 acres have since been purchased, chiefly in other directions; but instead of fine open available land, as the other was, it is chiefly heavily timbered, and not available for immediate use. Of course this has

been a most serious injury to the settlement, and it speaks volumes for its intrinsic goodness that it has survived so great a blow.

The want of a harbour is no doubt another drawback; but the colonists contrive, notwithstanding, to import and export whatever they want. I saw a vessel loading with corn for Sydney when I was there, and considerable quantities of produce are sent away, from time to time, to the other settlements in New Zealand and the Australian colonies. If a country has the resources of wealth within it, and produces something which is exportable, shipowners will always find the means of doing business with it, though it be transacted in a somewhat exposed roadstead, and at the risk of losing an anchor.

6. AUCKLAND, the seat of the general (it cannot, while placed there, be called the central) government, is situated in the northern island, on the narrow neck which separates Manakau harbour, on the west, from Shouraki gulf, on the east. The harbour of Auckland, which is an arm of that gulf, is extremely good. Manakau is difficult of access in the prevailing winds, a tremendous sea breaking across at the heads. One of the few large ships which have visited it was lost in the attempt to enter about four years

ago. I sailed from it myself, in a schooner of ninety tons, in 1849, but the impression it left on my mind was not favourable, and I do not think it will ever become a harbour of general resort. For all practical purposes, Auckland harbour will be the only one.

Auckland is well situated as a *depôt* for native trade, and as the head-quarters of the missionary establishments. But, with the exception of small detached valleys of volcanic soil, the country appears exceedingly poor, with scarcely a blade of natural grass, and holding out no great temptation to the agriculturist. In some portions of the volcanic soil (I am not certain whether it is universal, but I saw a district of three or four miles extent where it was so) there is not a drop of water to be found: none can be got even by sinking wells. This description of land is generally thickly covered with blocks of scoria, which must be picked off before the land can be cultivated. The settlers build stone walls, houses, and other erections with it. It is only fair to state, that my examination of the district was limited to a distance of about fifteen miles round the town of Auckland; but I believe the character is much the same till you reach the Waikato country on one side, and the Thames on the other,—each about fifty miles off, and both still in the hands of the natives.

The town of Auckland is the largest and most compact in the colony. It has one or two very good streets, but the lower parts are as filthy as 'Deptford and Wapping, navy-building towns.' Very little except shopkeeping was going on at Auckland when I was there. The amount of cultivation was very small, and consisted almost entirely of a few fields of grass, within four or five miles of the town, where newly imported stock were kept alive till the butcher was ready to wait upon them for the benefit of the troops and townsmen.\* In short, the settlement was a mere section of the town of Sydney transplanted to the shores of New Zealand, filled with tradesmen who were reaping a rich harvest from the expenditure of a regiment of soldiers, a parliamentary grant, missionary funds, and native trade. As an instance of colonization, it was altogether rotten, delusive, and Algerine. The population had no root in the soil, as was proved by some hundreds of them packing up their wooden houses and rushing away to California, as soon as the news of that land of gold arrived. In Cook's Straits not half a dozen

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\* I speak of Auckland as I saw it in 1849. I have been told that the amount of cultivation has since considerably increased.

persons were moved by that bait. If the government expenditure had ceased, and the troops been removed at that time, I believe Auckland would have melted away like a dream. The expenditure of British money by the government has been enormous in this part of the colony, and easily accounts for so large a town having so suddenly sprung up. The troops stationed there have not expended much, if anything, less than 100,000*l.* a year. Two sets of very costly barracks have been erected, with a lofty stone wall round each, which cannot have cost less than about 100,000*l.* more. The pensioners' houses at least 50,000*l.*; their pensions about 12,000*l.* a-year; besides a variety of contingent expenses. From the parliamentary grant, from 10,000*l.* to 20,000*l.* a-year expended on roads and otherwise. The revenue of the northern province about 25,000*l.* a year. The outlay of the three missions, which, I was told on undoubted authority, amounted to the same sum. Two men of war (not always, but frequently) in harbour for long periods. In short, in addition to the local revenue, not less than certainly 200,000*l.* a year of British money has, on an average, been expended annually for the last four or five years; and one or two lump

sums, amounting to not less than 150,000*l.* in addition.\*

Nearly the whole population of Auckland has been imported from Sydney and Van Diemen's land. With the exception of the pensioners, I believe only one, or at most two regular emigrant ships—that is, vessels carrying bodies of men of the labouring class, ever proceeded from this country to that settlement. The returns of crime, compared with those of the southern settlements, exhibit fearful traces of the origin of its population, and display the great importance of colonizing on a regular system, which may ensure a pure origin for a colony. In the year ending December, 1847, there were no fewer than 1083 criminal cases disposed of by the resident magistrate at Auckland, of which there were 994 in which Europeans only were concerned; 857 convictions, and 529 for drunkenness; that is to say, one in six of the population was convicted of some crime or other; one in eight, of drunkenness. At Wel-

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\* Financial reformers should know that this is probably little more than half the amount expended in the whole colony. So large a proportion being in military departments, I have been unable to give precise amounts; but I believe that, on the whole, I have under-estimated the expenditure of British money in the colony.

lington, the proportion was one in 40; at Nelson, one in 79.\*

I have no returns of criminal cases tried in the Supreme Court in the north, but those in the southern provinces are very satisfactory, indicating as high a moral condition as can be found anywhere. At Wellington, in five years, the total cases tried were 92, or about 18 in the year, of which 59 were convictions. But of these, only 18 trials and 10 convictions were of English settlers—all the rest being soldiers, sailors, inhabitants of the Australian colonies or natives. At Nelson, the average is only four cases of all sorts in a year; at Otago, not one.

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### § 3. THE PENSIONER VILLAGES.

In April, 1849, I visited all the Pensioner villages in the neighbourhood of Auckland, then four in number. They had been established between one and two years. The conclusion I arrived at was, that, whether viewed in a military or a colonizing aspect, they are costly failures, affording a most decided warning against the continuance of the experiment, or its renewal elsewhere. The same conclusion

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\* These figures are from returns made and published by the local government.

is arrived at by a careful examination of the few documents relating to them in the 'Blue Books.'

In a military point of view, they are altogether useless. Placed as a sort of cordon round Auckland, to protect it from the large tribes to the south and west, but being mere straggling villages, without any sort of fortification, if the natives should ever wish to attack the capital, they would, any morning before daylight, walk through the whole of them, massacre the inhabitants in their beds, and, having seized their arms and ammunition, proceed on their way to Auckland. The pensioners are, for the most part, considerably beyond the middle period of life, many of them with constitutions shattered by climate and hard living, and a large proportion of them of very intemperate habits.

Regarded in a colonizing point of view, the pensioner system could prove no other than a failure. With the single exception of convicts, it would not be possible to select a worse class for emigration than old broken-down soldiers, stiffened into military habits, or only relaxed by the vices of barracks and canteens. Nor are their families likely to be much better than themselves. Then the manner in which they are located is equally objectionable. The first essential to colonial success, particularly among

the labouring class, is perfect freedom of action; liberty to go here, or there, or everywhere; to follow the calling of previous years, or turn the hand to any new employment which offers. This military colonization is fatal to such liberty. I found the largest of these villages (Howick) located fifteen miles from Auckland, on a bare and poor soil, without a stick of firewood within many miles, remote from any employers of labour, and separated from them and from Auckland by an unfordable river. Reports of actual starvation among the inhabitants of this village, the winter after I saw it, were circulated in the Auckland papers; and, unless it was staved off by eleemosynary means, I do not see how it could have failed to result from the circumstances in which the pensioners were placed.

Governor Grey, however, on the 9th of February, 1850, forwarded to the home government a return, which, he says, shows 'that the progress of the men towards comfort and competence, has been as great as could have been anticipated; that, in addition to their cottages and gardens, &c., they have three horses and 171 head of cattle among them;' from which he leaves it to be inferred that these are the results of their own exertions and industry. It appears, however, upon looking carefully into the appended report,

that all, or nearly all the live stock mentioned, has been purchased for them by the government, which has made an advance of money for the purpose, amounting to 857*l*. Their houses also were erected for them by the government at the enormous cost of 37,843*l*., or 87*l*. per pensioner. And, in reality, all that they have to show as the result of their own exertions, after more than two years' settlement, is rather more than a quarter of an acre of garden-ground cultivated by each man ! Now, when it is considered that these men had everything found them—excellent houses, employment for twelve months, medical attendance, an acre of land each for the privates, and two for the non-commissioned officers, that they had horses and stock to a large amount found them also, that there were officers to guide, counsel and assist them, it will appear that, at all events, Governor Grey's anticipations of their success, which he describes as realized, cannot have been of a very sanguine order. Any ordinary labourer in the Cook's Straits settlements would have cultivated far more land, and obtained far more stock in the same time, by his own exertions in his leisure hours, and the savings of his wages.

What the ultimate cost of the experiment will be, it is not easy to predict. At present scarcely any returns have been made on this

head, as Lord Grey complains in March, 1850. But the single item given above, of 37,843*l.* expended in building houses for 434 men, being at the rate of 87*l.* per man, is a sample of what it must have been. It is certain that 100*l.* will not cover the expense of locating each pensioner. Then their pensions also, are continued, and many perquisites, such as the acre of land, medical attendance, and twelve months employment by government must be added. When we reflect that from 15*l.* to 20*l.* will locate a first-rate young agricultural labourer in the colony, what shall be said of such a system?

The whole plan seems to have been launched with the utmost inconsideration and haste. When the first corps arrived in the colony, nobody could ascertain who was to have the command of the force. Governor Grey contended that he was, while the senior officer of the force maintained that it was his privilege. It was twelve months before this point was settled, and in the meantime, there being no authority to control them, the officers quarrelled, and a series of courts-martial ensued, which ended in the dismissal of two of them from the service. But a much more important matter had been overlooked; that is, who was to pay the expense of the pensioner emigration. It

seems from the Parliamentary Papers of August, 1850, that Lord Grey laboured under a delusion that the home government would pay it, and was only undeceived by the Lords of the Treasury when the expenses had been all incurred. He then directed the Governor to make it a charge on the colonial revenue, as a debt due to the military chest. What the colonists will say when they learn that they are charged with a debt so incurred, remains to be seen. The capability of the colonial revenue to bear such burdens seems not to have been considered. Already it is charged with a debt of about 60,000*l.*, bearing 8 per cent. interest. It is proposed to add the New Zealand Company's debt, 200,000*l.* more, at 3 (increasing to 5) per cent. interest; and the pensioner immigration charge also. The annual interest on these three sums will amount at the lowest to 13,000*l.*, payable out of a general revenue of less than 50,000*l.* The incidence of the burdens also seems unfair; the revenue of the whole colony being charged with one item (the Company's debt) with which the northern colonists have had nothing to do; and with another (the pensioner immigration) in which the southern colonists have not participated.

## CHAPTER II.

## THE NATIVES.

## § 1. THEIR NUMBER.

**B**Y far the greater portion of the natives reside quite in the northern part of the colony. They are comparatively few in every part of the southern province, and in the middle island there are scarcely any—not above 2600, on nearly 50,000,000 acres of land, and those greatly dispersed. In a late despatch (dated March 22, 1849), Governor Grey states the number of natives in the northern province to be 80,000—in the southern 25,000.\* There is reason to

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\* Mr. Hawes, in the House of Commons, on the 14th July, stated their number as from 150,000 to 200,000; on what authority he did not say,—*Times*, July 15th. There is a very valuable article in the *Edinburgh Review* for April 1850, on this subject, written by a gentleman who has resided many years in the colony, and to whom I am indebted for several of my facts in this section. The careful returns made in the southern province had not, however, appeared when he wrote, and I know that they materially altered his views as to the existing numbers, and that he concurred in those stated by me in the text. I differ from him, however, in his estimate of the present and probable future extent of amalgamation.

believe that the estimate is erroneous, and that half of the respective amounts would be nearer the truth.

It is a very remarkable fact, that notwithstanding the professions of interest in the welfare of the natives made by the government and the missionaries, neither of them have ever attempted a general census. It is evident that till such a step is taken, all measures adopted with a view to benefit the race, or to maintain even-handed justice between it and the European, must be founded on data so uncertain and inaccurate, that no satisfactory result can be obtained. How, for instance, can it be ascertained what proportion of the revenue is contributed by each, and to what proportion of expenditure on their special institutions each is equitably entitled, if their numbers are not known? Similar questions occur at every turn. A census is the only solution, and none exists.

However, a partial, and, as far as it goes, a very accurate census has been made by the Lieutenant-governor, Mr. Eyre, in the district around Wellington, and another, under his instructions, at Nelson; while the native population of the other portions of the southern province has been visited, and its numbers ascertained almost to a head, partly by officers in the employment of the local government, partly by

others in that of the New Zealand Company.\* The result is, that in this province for which Governor Grey estimates 25,000 natives, less than 11,000 are found actually existing. His estimate, as regards the northern province, is probably equally inaccurate, though the same positive test of its accuracy does not exist. But an approximation is to be arrived at from the following authorities.

In 1840, the missionaries and other parties, certainly not interested in understating the numbers, estimated them for the whole of the islands, at from 120,000 (the highest) to 109,000 (the lowest). In 1842, Dr. Deiffenbach, from information furnished by the missionaries in various parts of the islands, assumed 114,890 as the total number. In 1846, one of the oldest and

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\* The Wellington district census is by Mr. Kemp, government interpreter, and son of a missionary long resident in the colony. Nelson, by the government interpreter and officials. Wanganui, returns given in a statistical work by Mr. Grimstone, chief clerk in colonial secretary's office. Thence to New Plymouth, by a surveyor in the Company's employment. The rest of the Middle, and Stewart's Island, by Mr. Mantell, government commissioner for purchase of native lands, Mr. Hamilton, draughtsman on board H. M. S. *Acheron*, and Mr. Brunner, the noted explorer; all from personal inspection, and sanctioned by publication in government documents.

most intelligent missionaries, holding high rank in the colonial church, expressed (privately) an opinion that the native population was 'under 90,000, possibly very much under.' In the same year, Captain Fitzroy, the ex-governor of the colony, estimated them at 80,000, (see his pamphlet.) In 1850, an intelligent and well-informed Wesleyan missionary estimated them at 70,000. Deducting from the last the ascertained number in the southern province (11,000), the number for the northern would be 59,000.

The above figures are probably near the truth. Their disparity, *inter se*, is accounted for by the different dates at which the estimates were made, extending over a period of ten years. And this raises another question, are the natives increasing or decreasing in number? The answer which statistics compel us to give is, that they are rapidly decreasing—that their extermination is to be looked for almost within our own lifetime—that in forty or fifty years there will scarcely be in existence an aboriginal New Zealander.\* The conclusion is arrived at by the following process.

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\* By a strict arithmetical process, it might be shown that there may be a single native alive 150 years hence; but according to the ascertained ratio, they will be practically extinct—that is, there will be barely a few hundreds alive—if indeed there are those at the period mentioned above.

In 1847, very careful enumerations of the inhabitants of many of the pahs near Wellington were made under the direction of Colonel M'Cleverty, the then commissioner of land claims, for official purposes. The disproportion of women and children to men was very conspicuous, there being only seventy-seven women and fifty children to every 100 men. A more recent and extensive return, including the country district for 150 miles of coast-line, made by Mr. Kemp, the native secretary of the local government in 1850, gives fifty-two children to every 100 men. In England and Ireland there are more than 100 women, and 140 children to every 100 men. In the United States of America there are 161 children to every 100 men. Now it is evident, that from fifty to fifty-two children are altogether insufficient to sustain and replace a population of 177 adults of both sexes. It is obvious, moreover, that such a proportion provides for a *decrease* of the race equal fully to the amount of natural *increase* existing in England, Ireland, or America.

A comparison of Mr. Kemp's returns for the pahs in and about the town of Wellington for 1847 and 1850 also shows a decrease at the rate, as nearly as possible, of four per cent. per annum, the number of seven pahs being 633 in 1847, and 558 in 1850. And taking the established proportion of women and children all through

the islands, the above ratio of decrease among the natives may be assumed as general.

It is a strong confirmation of the correctness of the above calculation, that, taking the highest estimate of 1840, (*viz.*, 120,000,) a decrease of four per cent. per annum would reduce the number in 1850 to 78,841, not very far from the estimates of the missionaries and Captain Fitzroy, before referred to.

Taking the more moderate calculation of 1840, and reducing them by four per cent. per annum, the result corresponds as nearly as possible with those estimates.

Unless, therefore, some check be immediately interposed to the process of dissolution, and the native race can be forced back from the vortex into which it is descending, the annihilation of the New Zealanders, as a race, will occur in about fifty years at longest. Nay, as it is probable that many of the causes in operation will act upon the race more forcibly as its numbers decrease, a shorter period will probably suffice.

Supposing, then, that statistics prove the fact of the progressive extinction of the natives, what are the causes by which it is effected?—are they removeable? Can their force be lessened, or is it likely, on the contrary, to increase?

The causes, though fatal, are few. They may

be divided into the physical and moral. The physical causes are—1. Deep-seated scrofulous disease, pervading the whole race, and developing itself not only in its primitive forms, but in consumption, fearful abscesses, and disgusting cutaneous diseases, of which last, if I remember rightly, Cook says he saw no instance in his time. These, I was told by the late very intelligent superintendent of the Taranaki Hospital, Dr. M'Shane, are more and more increasingly prevalent in the rising generation than in the adult. Thousands are swept off every year by this cause. 2. Very early and very general habits of depravity among the women. 3. Drudgery imposed upon the women, who do all or most of the hard work and destroy their constitution by it, cultivating the land and carrying loads that would not be thought light by a ballast-heaver. I asked a native who had accumulated a good deal of property, how he got it; he pointed to his three wives, and said he made them work for it. 4. Polygamy is thus profitable, and it forms, to some extent, another cause of unfruitfulness. 5. Female infanticide did exist formerly, and I cannot think that, in those parts where the influence of civilization has not much extended, there is reason for supposing that it has yet entirely ceased.

The moral cause in operation is perhaps less

obvious, but no less certainly at work, and probably little less effective. It consists in a depression of spirits and energy which, in the mind of the savage, ensues upon his contact with civilized men. He soon sees his inferiority; his pride may struggle against an admission of it for a time,—he may still occasionally bedeck himself with the ornaments of the warrior, and endeavour to shame by his barbaric splendour, the plainness of civilized industry; but the great ships that throng his harbours, the (to him) magnificent buildings that spring up on every side,—the display, if there be any, of military force—nay, what to the colonist are the merest articles of every-day use—his watch, his plough, his axe, his pocket-knife—all declare in a language which he cannot misunderstand, that it is a superior race which has come to share his country. From the day when he makes this acknowledgment to himself, he feels that his greatness is departed, that his nation is henceforth a nation of Helots. He cannot form in his mind the hope of rising to the level of the superior race; its existence, and everything connected with it, are a mystery to him; what the North Americans call a ‘great medicine,’ the New Zealanders, a Typo, or divinity. The gulf between him and the new comer is too great; he cannot conceive the possi-

bility of bridging it, so he sits down and broods in silence till his appointed time.

The most probable method by which the operation of these feelings could have been checked in New Zealand, would have been the encouragement to the greatest extent compatible with the general government of the colony, of the institution of chieftainship, which we found existing among the natives. The men of the most enlarged minds and of the greatest influence were of that class; and had they been, as I think they might, maintained in an elevated position, and their feudal authority supported at least for some years, it would have given them a position round which the rest of the race might have rallied, and whence they might have taken their first step towards one more elevated and advanced. But with the exception of the early founders of the Wellington settlement, it has been the policy of those in whose hands were the destinies of the natives, to discourage the institution of chieftainship, and to reduce to a general level all classes of natives. An individual chief may occasionally, and sometimes very indiscreetly, have been petted and encouraged. But the 'chieftainship,' and the various shades of nobility and gentry subordinate to it, have been allowed to sink into ruin, and carry all along

with them to a lower social level than before. Nothing more touching and pathetic was ever penned than the complaint of Tamati Ngapora, addressed to Governor Grey, in 1848.\* 'Friend, the governor,' he says, 'this is my speech to you; hearken to my word, oh, my friend. Do not slight my thoughts, because this is the thought of many of the chiefs of New Zealand. This is the thing that causes confusion in all their villages. Formerly, oh father the governor, when we adhered to our native customs, we had light; but now, new thoughts have been imbibed, and darkness is the consequence. The slaves of my village will not obey me; when I ask them to work, they will not regard me. The result of this conduct is theft and adultery. I cannot determine in these matters. In your estimation perhaps they are trifles, but to me they are great things, because they affect the welfare of the chiefs. Formerly our word had some weight, but now it is lost. The slaves look upon themselves as equals with their fathers the chiefs, which has caused us to be very angry. Is it right for a servant to be indolent, and disobey his master? It is my wish to protect my slaves and to respect them, and I wish them to respect me in return. If

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\* Parliamentary Papers, 1849, p. 19.

my slaves do evil, their sin will affect myself; when my people do well, my heart rejoices. I am desirous that myself and my people may be an example to the evil ones. Reflect, O father, upon my words, that a law may be made for the native chiefs, that their slaves may be induced to obey them; and do you strengthen our hands, so that the many slaves of this land may be kept in awe, and the chiefs be enabled to love and protect you.'

Bishop Selwyn also complains that the missionaries can obtain no hold on the minds of the natives, owing to the loss of influence of the chiefs. They are, says he, 'a rope of sand; the young men escape from all control.' Mr. Clarke, the chief native protector, wrote to the same effect in 1845.

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## § 2. THE NATIVES—CIVILIZATION.

BUT, it may be asked, is this theory of mental depression consistent with actual fact? Are not the natives rapidly becoming civilized? Are not their energies evoked by the paternal care of the government? What is this that we hear about their owning numerous coasting vessels, about one of them keeping a livery stable, and another having an account at the bank? How are such facts consistent with your theory?

The answer is, that the facts alluded to relate to a very few individual cases. The theory has its operation on the great bulk of the people. The superior advancement of a few more energetic minds, individually isolated, will not rescue the race. It might if you had time for it, but you have not. Before the effect can be produced, scrofula and consumption, the drudgery and degradation of the women, will have done their work : the race will be gone.

And as regards the degree of civilization attained even by the most advanced, it is very superficial and limited. In rescuing savage races from barbarism, there are three stages to be passed. First, they are to be brought to tolerate the presence of the civilizer. It was not till after numerous massacres of casual visitors, and the expulsion of the missionaries more than once, that the New Zealander was got past this stage. Secondly, there is the stage of barter, when, impelled by the desire of procuring the luxuries and comforts possessed by the civilized race, they bring their food or raw produce to market in exchange. And lastly, there is the constructive stage, in which they learn the arts of civilized life—how to make for themselves those things which they desire.

The New Zealanders have got no further than the second stage. They have, it is true, pur-

chased a few coasting vessels, but they have never yet attempted to build one, not even a boat.\* They have a few ploughs; they have never made one, and not many have ever held one. A few of them carry their produce in carts to the place of barter, but those carts are made by English cartwrights. In short, unless it be one or two about the mission stations in the north, or the whaling stations in the south, I do not know a single native who can do the commonest carpenter's work, or has any acquaintance with any mechanical trade. A few (say 500 or 600) of them were employed at navvies' work, for a year or two, on the roads constructed by government, and in the Canterbury settlement. In the course of this, some learned the art of stone-dressing, of which much has been made in official reports. But if the Europeans were to leave the colony to-morrow, I see nothing in their present civilization which would be likely to prevent the lapse of the natives into absolute barbarism almost the next day. The opportunity for barter would then have ceased. They cannot construct (I believe I may safely say) one single article of utility which they could not before we knew them. Their

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\* They build, or rather scoop, canoes out of a tree. All other boats owned by them are built by Europeans.

skill as mechanics would be found limited, as it then was, to the fabrication of the scanty clothing, the domestic utensils, and the warlike weapons of savage life.

Why so few attempts have been made to teach the natives mechanic arts (the most solid foundation for civilization), is a question which has yet to be answered by those who have claimed credit for peculiar interest in them. How rational and how feasible would it have been for the government to have apprenticed native youths to tradesmen and artificers in the towns, or even, if necessary, at Sydney. The money which has been lavished on useless and even mischievous objects would have paid the apprentice fee of many hundreds. The pernicious 'Protectorship' must have cost at least 5000*l.* or 6000*l.* in one way or other. The government brig, an entirely useless appendage, has cost the colony 20,000*l.* or more. Taking an apprenticeship fee at 40*l.*, these two items of misspent money alone would have converted into useful mechanics between 600 and 700 natives, now savage and ignorant, carrying them through the third stage of civilization, and affording a basis for security and progress wherever their personal influence might reach. Instead of taking active practical steps of that sort, the government has satisfied itself with mere talk and despatch writing; and if it can

point to a complimentary letter written by a native chief to the governor, or a native house with glass windows and a verandah (of which, I believe there are three in the country), it flatters itself with the idea that it has discovered the problem of civilizing the aborigines—nay, even reduced its theory to practice.

Is it then possible to remove, or even materially to modify, the force of the causes which are sweeping away the New Zealanders from the face of the earth? If medical science could provide a remedy for the fatal disease which is so prevalent among them, how could you apply it to a population of 60,000 or 70,000 people, scattered over a space larger than England? The whole revenue of the colony, expended on hospitals, would hardly produce a perceptible effect. Can the habits of the women be changed in a day? Will the men in a day consent to restore them to their proper sphere, and relieve them from the drudgery they now subject them to? Can the spirit of the New Zealander be re-invigorated in a generation, and he take his place cheerfully in the race of progressive improvement? You might do something on all these points if you had the time—if you had three or four, or half a dozen, prospective generations, and a probable space of one or two hundred years to work upon—but what prospect is there of grappling successfully with such

adversaries in the brief space to which (if you succeed not) the existence of the New Zealander is limited. It is too late. As in the case of his relatives at Tahiti and the Sandwich Islands, his days are surely numbered. In the former, the inhabitants in Cook's time were estimated at 70,000; they are now said to be only 7000. In the latter, the ratio of extinction, as proved by actual census,\* is 8 per cent. per annum, at which ratio, if it continue, there will in a few years not be a Sandwich Islander living. The same doom awaits the New Zealander—it may be fifty, it may be sixty, it may be seventy years; but unless you can work changes in his moral and physical condition, which I see no chance of your working, it is only a question of time. His ultimate fate is certain; it is summed up in the single word—extinction.

Three hospitals have been established in New Zealand, chiefly with a view to the natives; one at Auckland; one at New Plymouth; and one at Wellington. They are maintained by the government, but on a defective system, and one which renders them much less useful than they might be.

In England, all hospitals which are supported

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\* Printed in the Morning Chronicle, May 1, 1850.

by public funds, are subjected to public control. They are generally under the charge of a committee elected by those who contribute to their maintenance, and the physicians and surgeons attached to them are elected by vote of the subscribers, while the institution is ordinarily thrown open, to a great extent, to all the profession. The New Zealand hospitals are each under the absolute control of one surgeon, appointed by the governor. The rest of the profession are virtually excluded, and they are, in fact, to a great degree, the perquisite of an individual of whose fitness for the charge there is neither test nor guarantee.

Hospitals for Europeans are not required in New Zealand. All classes can afford to pay for medical attendance. They might, however, be very useful among the natives if established on a proper system. They ought to be placed in the districts most densely peopled with the natives; schools should be attached to them; and in charge of properly qualified men, they might be of the greatest use as a sort of political agency among the natives, and a medium of their civilization. Those in existence, however, have no such feature. They are all in European towns, none of them in the immediate neighbourhood of large bodies of natives; one, at least, is said to be very badly conducted, and their

utility is comparatively very little. It is true, that quarterly returns of patients treated at them are made in the government gazette, and not without parade ; but if the hospital did not exist there is no reason to suppose that medical advice would be denied by the profession to any native who might require it ; and, if even small fees were charged, it would be better than the pauperizing system of a charity hospital. Such advice has always been, and is even now, extensively given by private practitioners, but they do not advertise their cures as is done by the government hospitals. It is a fact, also, that many of the natives have a great dislike to these institutions, and will not resort to them. A chief, resident within 100 yards of that at Wellington, refused to let his dying daughter be taken there, and it was stated, on very excellent authority, that such instances are common. The general opinion about them in the colony is, that they are a delusion, productive of little good to any one except the medical officer in charge.

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### § 3. THE NATIVES—OUR RELATIONS WITH.

The practical question remains, What are our present relations with the natives, and is there any ground for supposing they will be disturbed ?

It is certain that they are more inclined to peaceful councils than they were—that there is less chance of any disturbance. To what is this owing? To feelings of loyalty among them I attribute nothing. Queen Victoria is a mere abstraction, exercising no practical influence over them. Governors they have seen removed and renewed; they fully appreciate how ‘a breath can make them, as a breath has made.’ Nor do I think that, as a body, they entertain much fear of the military. They always speak of them with contempt, though for the blue jackets they entertain a profound respect, having, whenever they encountered them, found them much the most formidable enemies. The maintenance of a military force in the country, is principally desirable to meet the emergency of any sudden outbreak or riot. If the natives, as a body, were inclined to go to war with us, the military force at present in the country would be most insufficient. But they are not, nor is it likely that they will ever be. If the troops were removed there might be risk of local disturbances, which it might be difficult to quell. It is, however, none of these causes which keep the natives quiet as a body.

Still less is it anything which government has done for them. The establishment of three inconsiderable hospitals, the employment, for

two years, of 500 or 600 of them on the roads, the passing of an ordinance for the recovery of small debts, and the administration of summary justice *inter se*, these are causes altogether incommensurate with any general result. No institutions of a permanent character, or capable of embracing any considerable number of natives, have been attempted; and it may be safely stated that the influence exercised over them by the government during the last five years has been all but inappreciable.

The link which binds them to us is one of self-interest. They get money from us, they buy and sell among us, they discover the fact of our mutual dependence. This is the great security for the continuance of peace. And this buying and selling brings collateral securities with it; the natives not only become averse to quarrel, they forget how to fight; the old men, 'dexterous in battle,' are fast dying out; the rising generation, in a few years, will never have seen a battle.

Of any other amalgamation between the Europeans and natives than that which is carried on over the counter, there is little prospect. A few of the old whalers in the southern island, and a few of the beach-combing population elsewhere, have been lawfully married to native women, but their number is inconsiderable. The bulk of the English immigrants are themselves

married people, and even if they were otherwise, the ignorance of the native women of the arts which contribute to domestic comfort, and the private habits of men who never sat on a chair, would prevent even the humbler classes of colonists from forming permanent alliances among them. A sort of Rolfe and Pocohontas alliance, though not grounded on the same patriotic motive, may occasionally have occurred between single young men of the upper class and native girls, but, as a legal and permanent bond, very seldom indeed. The habits, character, and circumstances of the two races are so different as to preclude all prospect of amalgamation by marriage. With the exception of quite an inconsiderable number, the natives continue to reside in wretched hovels, go clothed in blankets full of vermin, help themselves to food with their fingers out of a common dish, indulge in conversation such as no civilized person could listen to, have no fixed laws or institutions, no books but testaments and hymns, and, in short, retain all the principal, and many of the most disagreeable features of savage character.\*

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\* How little removed they are from barbarism may be judged from the fact, that the fence of the pah, at Waikanæ (where a missionary and a resident magistrate have resided for several years), continues to this day disfigured by a series of colossal statues, carved in wood, of the most obscene and disgusting designs.

## § 4. NATIVE CHARACTER.

In short, no writer of romance was ever farther from the truth than those authors, who, like Jean Jacques Rousseau, or Mr. Herman Melville, have described savage life as a state of Arcadian simplicity, and savage character as a field on which are displayed all the virtues which adorned humanity before civilized arts brought vice, confusion, and trouble into the world. 'The peaceful life and gentle disposition, the freedom from oppression, the exemption from selfishness and from evil passions, and the simplicity of character of savages have no existence but in the fictions of poets and the fancies of vain speculators, nor can their mode of life be called, with any propriety, the natural state of man.'\* I have not room, in the limited space which I have allotted to myself, to illustrate this position by a description of the New Zealander from the earliest period of our acquaintance with him. I will only refer the reader to a very admirable little volume, which was published anonymously† a few years ago.

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\* Whately, Polit. Econ., Lect. v. See some sensible remarks on savage character there; and also in his Rhetoric, pp. 50 and 71.

† By Knight, Ludgate Hill. It forms a volume of the Family Library, and is entitled, 'The New Zealanders.'

It contains on the whole by far the best account of the New Zealanders extant, as well as a most philosophical and sensible disquisition, in one of the latter chapters, upon savage character in general. Individual character varies, no doubt, to some extent among savages, but to a much less extent than among civilized nations whose habits are less uniform, and whose more numerous employments necessarily generate a greater variety of thought and of action. Among the old New Zealanders as among most savages, war was the ruling passion, the one great excitement of life, and this fact narrowed to a very limited space the development of individual character. Indeed, I doubt if among the chiefs more than two developments were to be distinguished; that of the impetuous, headlong warrior, the 'impiger, iracundus, inexorabilis, acer,' of the Achilles breed, and that of the subtle, ingenious, treacherous, and long-headed schemer of the Ulysses sort.

A remarkable instance of each has been exhibited in New Zealand, and become familiar by name even to the English public, during the period of our colonizing the islands. Rauperaha, the older, most influential and better known, died a few months ago. Ranghiaeta, his colleague and fighting general, survives him.

Rauperaha has been often described. His

cruel treatment of his enemies whom he seduced on board a ship, hanging them by hooks through their thumbs, cutting them to pieces, and boiling them for food in the ship's coppers ; his treachery to his relation Te Pehi, whom in the critical moment of battle he deserted, securing thereby his own elevation to the chieftainship of the tribe ; and the part which he bore in the Wairau massacre, are the leading events by which his name has become familiar to the English reader. After the latter event he placed himself under missionary protection, and by pretending conversion and likening himself to St. Paul, he succeeded in hoodwinking his protectors, and through them persuading the government of his fidelity at the very time that he was supplying Ranghiaeta the open rebel, with arms and ammunition. Detected, seized, and imprisoned on board the *Calliope* frigate, he was released at the end of a twelvemonth, and handed over to the chief of the Waikatos who became bail for his good behaviour. Carried by him to the north he was upbraided with his misfortunes by Teraia the man eater, while the more generous Te Whero-where endeavoured to soothe his affliction. After a few months he was permitted to return to Otaki, the place of his tribe. There he resumed his pretensions to sanctity. 'I saw,' says an intelligent, but newly

arrived clergyman, who visited him at this time, 'amongst the other men of note, the old and once powerful chief, Rauperaha, who notwithstanding his great age of more than eighty years, is seldom missed from his class, and who, after a long life of perpetual turmoil spent in all the savage excitement of cruel and bloody wars, is now to be seen every morning in his accustomed place, repeating those blessed truths which teach him to love the Lord with all his heart, and mind, and soul, and strength, and his neighbour as himself.' Those who knew Rauperaha better, may, perhaps, doubt whether the Æthiop had so completely changed his skin as to justify the belief in which an enlarged charity, exercised by an amiable man, thus led its possessor to indulge. A few days before his death, when suffering under the malady which carried him off, two settlers called to see him. While there a neighbouring missionary came in and offered him the consolations of religion. Rauperaha demeaned himself in a manner highly becoming such an occasion, but the moment the missionary was gone, he turned to his other visitors and said, 'What is the use of all that nonsense? that will do my belly no good.' He then turned the conversation on the Wanganui races, where one of his guests had been running a horse.

Such were the last days of Rauperaha. His death was an event favourable to the continuance of peace and the amelioration of the native character. His direct influence had, by his age and recent imprisonment, been nearly annihilated ; but the mere shadow of his name was something ; it was mixed up with the traditions of the bloody wars, which, under his generalship, devastated for years the whole coast south of Taranaki, and exterminated the inhabitants of one side of Cook's Strait. It was a tocsin, to the sound of which, in the case of disturbances elsewhere, the natives might yet have responded, and the certainty of which being no more heard, is an event calculated to corroborate the assurance of peace.

Ranghiaeta has never concealed his true character beneath the veil of hypocrisy ; he still continues to display its original features, as the bold uncompromising savage — still exercises his influence, reduced though it is, to thwart the progress of civilization, and dissuade his fellows from selling their land. He tells the missionaries, when they seek him out in his lair, that ' it is useless for them to give themselves the trouble of preaching the gospel to the natives ; that the Maories are by nature bad ; that they brought the evil spirit with them from the far country from which they originally came ; that it is still

in them, and that therefore they cannot be reformed.' His wife in the meantime makes preparation for rude hospitality, screaming to her attendants, and seeming to think that the more noise she makes, the more honour she does to her guests. 'She was a coarse, dirty, ill-favoured woman ; round her neck she wore an ornament of greenstone ; her body, like her husband's, was smeared with red oxide of iron ; her coarse and matted hair had evidently never known the use of a comb, and her only garment was a sort of loose gown, which was so filthy that its original colour could not be guessed. The result of her preparations were some roasted potatoes and a small wild bird, cooked in the flames, together with some tea, served up in tin mugs, with dark-brown, or rather, black sugar.\*

But Ranghiaeta is the type of a class which is fast disappearing. In the north, Heke and Pomare are gone, and many a chief of similar character but less note. The circumstances out of which such characters grew, no longer exist ; and though the same passions and temperaments may be found in the next generation, their development will necessarily be entirely different, changed by the changing circumstances of the time.

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\* Reverend Mr. Lloyd, in 1849.

## § 5. MISSIONARY INFLUENCE.

Whatever be the fate of the natives, it is unquestionable that the missionaries have exercised no small influence over it, and I am often asked what the effect of their influence has been. My answer is, up to a certain point beneficial—beyond that, injurious in a very high degree.

So far as they have confined themselves to their legitimate province, instructing, civilizing, and christianizing the natives, their influence has been all for good. Whenever they have stepped out of their proper sphere, interfering in political matters, or dictating the forms of intercourse between the natives and Europeans, their influence has been without mitigation injurious.

It was missionary influence which carried the native through the first stage of civilization, which made him willing to tolerate the presence of the stranger. Without that influence, it is probable that we should never have occupied New Zealand. But their idea was to erect the New Zealanders into an independent state—a sort of Levitical republic, like that of the Jesuits at Paragua, guided, and in fact ruled, by the missionaries themselves. Colonization was death to such a scheme, and the determination

of the missionary to 'thwart' its progress 'by every means in his power,' is matter of history. Defeated in the attempt to resist colonization, he still clung to the hope of keeping the native separate from the white man, whom he described as 'an enemy pouring in like a flood;' and he still aimed to establish his own power over the mind of the native by means of the separation of the races. His object in all this may have been single-minded; he may have contemplated solely the benefit of the native, and believed firmly that this was the way to secure it. I do not question his motive; I only deal with the fact.

The founders of the colony, on the other hand, believed that the surest method of civilizing the native, was to promote intercourse between him and the colonist—and schemes were devised for bringing them into the closest contact. It was the exact reverse of the missionary method.

Neither plan has been fully tried. Each has 'thwarted' the other, and with the exception of a single instance, I know of no case in which actual experiment has tested the merits of the two schemes. But there is one instance in which the two systems has been contrasted, and with a result to most minds very conclusive.

At Otaki and Waikanae, on the northern

shore of Cook's Strait, fifty miles from Wellington, the nearest European settlement, there has been established for many years the headquarters of the church mission in the south, under the superintendence of an archdeacon of the colonial church, and another missionary. Here the attempt has been made to constitute a model community of natives on the separate system. They have been removed from their former habitation nearer the sea; the street lines of a small town have been surveyed; gardens allotted, and model-houses erected. The government has also aided in the experiment, appointing a salaried resident magistrate, and a constabulary staff, to reside among them. The bishop has repeatedly visited the village, and expressed his gratification at its condition; and it is pointed to by the supporters of the system as a most satisfactory specimen of native civilization.

At the Motueka, in Blind Bay, on the other side Cook's Strait, and nearly opposite to Otaki, there is a small community of natives of the same tribe as those at Otaki. They live in the heart of the Nelson settlement. Neither government nor missionary influence has ever been brought to bear upon them to any appreciable extent. But a community of European colonists, chiefly of the humbler classes, was located among

them eight or nine years ago. Their intercourse has been close and harmonious ; and whatever of civilization the natives there possess, they owe to their intermixture with Europeans. From them it has spread to other natives on each side of them, similarly free from government and missionary influence ; and the whole of that side of the strait may be regarded as under the operation of the same principle. These natives, therefore, afford grounds for a fair comparison with those at Otaki.

What shall be the test ? Sir Fowell Buxton, who had studied these subjects deeply, considered the plough the best test of the progress of civilization among savages. We will apply it here.

At Otaki, the specimen of the separate system, with a population of 664 souls, the entire amount of cultivation, according to the government census in 1850, is five acres of wheat, and 138 of other produce.

At Motueka, and the other shore of Cook's Strait, where the opposite principle has been worked, with a population of 1,400 souls, there are 1,000 acres of wheat, and 600 of other produce.

That is to say, on the separate system, the natives cultivate only one hundredth part of an acre of wheat per head, and less than a quarter

of an acre of any sort of produce. On the free intercourse system, they cultivate three-quarters of an acre of wheat per head, and about an acre and a quarter of all sorts.

Need more be said to establish the point? I would only add that, as far as a very limited personal intercourse enables me to judge, the character of the natives at the Motueka is in other respects nearly as much in advance of that of the natives at Otaki, as it is in the particular of industry, as exhibited by the amount of their cultivation.\*

I have said that, with the exception of the Otaki instance, I am not acquainted with any in which the experiment of the separate system has received a fair and full trial, and is capable of contrast with a neighbouring community founded on the opposite principle. Generally speaking, the colonists will not be debarred from intercourse with the natives; and it is only

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\* At the Motueka I wanted a guide on one occasion. A native of consequence volunteered, walked with me four miles, carried me on his back over a river, and refused any reward. At Otaki I arrived at a river which was flooded and dangerous. I wanted to know the direction of the ford. Three natives, from the model-village, who sat on the bank, refused even to point out the way till I paid them for it. See also the account of the missionary natives, in Mr. E. J. Wakefield's book, vol. i., p. 249, &c.

where local or territorial circumstances interpose obstacles to their intercourse that the separate principle can be attempted: but the desire to carry it out is still manifested by some of the missionary body. When the colonists commenced their occupation of the Wiara-rapa valley, the missionary in that district used every means to check the intercourse of the races, even to the extent of prohibiting natives from engaging as shepherds, because they might be required to look after a flock on Sunday. Instances occurred in which natives refused employment on this ground, alleging Mr. Colenso's order as their reason. In thus resorting to spiritual weapons to enforce his theory of non-intercourse, he must either have forgotten that works of necessity are sanctioned on the Sabbath, or not considered shepherding a work of necessity.

And this introduces another question:—What has been the effect of the religious teaching of the missionaries on the native character? I am afraid that it is little more than skin-deep. No doubt there are instances in which individuals have been brought actually under the influence of religious principle, but I speak of the bulk of the natives who profess Christianity. With most of them it is a mere name, entirely inoperative in practice. They will exhibit an atten-

tion to forms which would, and often does, mislead a stranger ; but the next hour they will exhibit all the habits of an unconverted savage. Thus, when travelling, about four years ago, in the Wiararapa, I came upon a native encampment one Sunday evening. It rained, and we required some assistance towards building a hut, and wished to purchase some potatoes. Not a finger would the natives move because it was the sacred day. The next morning the same individuals attempted most deliberately to cheat us ; and one of them, who had undertaken to guide us, for hire, to a river about ten miles off, attempted to trick us by declaring one we came to, at half the distance, to be that we sought ; and he endeavoured to force us to pay and dismiss him, by seizing a gun which one of us had carelessly laid down. They will also exhibit smatterings of Scripture, which would lead one to believe them better informed than they are, though their applications of it are often sufficiently ludicrous. One of them, whom the governor was upbraiding with having sold his land three or four times over to different parties, justified himself by quoting the passage, ‘ After thou hadst sold it, was it not thine own ? ’ Another, a very intelligent native too, to whom I was pointing out the impropriety of his having three wives, replied, ‘ Oh, never mind ; all the same

as Solomon.' A much more serious misapplication of the Scriptures occurred during the late war, when many of them tore up their Bibles to make wadding for their guns.

As to the interference of the missionaries in political affairs, it has been solely and extensively mischievous. It is a fact too well established to admit of the least dispute, that the government of the country for the first six years was carried on (in all that related to or bore upon the natives) under the advice of leading members of the missionary body. Governor Hobson placed himself unreservedly in its hands. Governor Fitzroy went the length of stating to his legislative council that he relied more upon Mr. Clarke (the present secretary of the mission in the colony, and formerly one of its catechists) 'than upon any five of the other officers of government.' Under these circumstances, a large share of responsibility for all the acts of government relating to the natives rests and must for ever rest on the missionaries. What the principle was on which they acted may be explained in a few words.

It was termed government by moral force; but government by immoral laxity would have been a much more appropriate designation. For it consisted in yielding on every occasion to the caprices and violence of the natives, whether

exercised among themselves or directed against the colonists. Its natural and inevitable result was to destroy all prestige of the moral and intellectual superiority of the Europeans, to bring the government into the utmost contempt, and to terminate in rebellion only to be quelled at a great cost of life and property, besides retarding for years the progress and prosperity of the country.

To afford some idea of the follies which were enacted under this system take the case of Heki's earliest act of aggression, the cutting down the flag-staff at the Bay of Islands. He did it as a deliberate and declared act of rebellion against the British power. Governor Fitzroy, having procured troops from Sydney, paraded them on the shore at the bay, when, at the instigation of Mr. Clarke, Heki, who refused personally to appear, sent in ten muskets as an emblem of submission. The Governor returned them with a conciliatory message, and removed the troops. Within a few weeks afterwards, Heki sacked and destroyed the settlement, and drove its inhabitants out of the country.

I wish that I could report that such weaknesses were no longer exhibited in New Zealand. Little more than a year ago Governor Grey visited in person the settlement of New Plymouth, in the hope of terminating the long

vexed land question there. He was riding into the country, when a small party of natives hostile to his object met him, flourished a tomahawk over his head, and ordered him back to the town. He proceeded to the residence of a powerful and friendly chief, and, on complaining of the indignity, the tomahawk (but not the individual who used it) was brought in and laid at his feet. Sir George accepted the apology. It is not to be wondered at that before many days were over the hostile natives openly plundered some of the friendly ones of valuable presents which Sir George had given, and that the representative of British power shortly left the settlement without achieving his object.

In common with other colonists, I have often been hurt and annoyed by meeting with respectable and intelligent persons newly arrived from home, whose minds had been impressed with the belief that the wars in New Zealand arose from the oppression of the natives by the colonists, and that they all involved disputes about land. Such an impression is the very reverse of truth. The ultimate cause of the wars has been none other than that government by moral force before alluded to; but even with the immediate causes the colonists have had nothing whatever to do. On three occasions it has been found necessary to have recourse to military

force. The first was in 1845, when Heki sacked Kororarika. No difference about land or anything else existed there between the colonists and natives; but the imposition of custom and harbour dues had driven away the whaling ships with which Heki had carried on a profitable and iniquitous trade in female slaves, and which he hoped to restore if he could get rid of the British power. The second occasion was on the River Hutt, near Wellington, when the government undertook to expel certain natives from land of which they had repeatedly admitted they were not the owners, and with the true owners of which the government had itself negotiated a valid purchase and paid an ample price for it. In the usurped occupation of the district by the natives, there was no single extenuating circumstance, nor any hardship in requiring them to return to their own possessions. Their refusal to do so was accompanied by several cruel murders of inoffensive settlers, and other acts of violence and outrage. The third occasion was at Wanganui, where the necessity of employing the military arose from the barbarous murder of the Gilfillan family, as an act of retaliation for an accidental and not very severe wound inflicted on a chief by a midshipman of H. M. S. *Calliope* amusing himself with a pistol some time previously, and being in no

way connected with the family on which the revenge was taken. The murderers, five in number, were hanged by a military officer in command of the district, on which the tribe rose and a war of many months' duration ensued.

Upon the merits of these wars, in a military point of view, I am not prepared to enter. None but a military man could do so with effect; and though I know the opinions of many of that class who were engaged in them, I cannot without breach of confidence make use of the information I have received from them. But I may venture to state the opinion of the colonists on the subject, which was, that the operations were by no means creditable to those who conducted them, not at all calculated to add to the well-earned laurels of the British army, or to impress the natives with an idea of any great superiority on our side. And a careful perusal of the despatches relating to them leads necessarily to the same conclusion. When we read of a force being brought up to scale lofty palisades without ladders,—of attempts to capture a fort of extraordinary strength with no better weapon than small arms,—of the disastrous retreat of a body of regulars before a party of natives, which was immediately afterwards encountered and driven away by a dozen militia men,—of omissions to

hem in a rebel chief and all his force in the only defile by which he could escape, or to cut off a fleet of canoes when they could have been surprised without difficulty; of an immense military parade, accompanied by the governor in person, being suddenly ordered back into barracks at the moment when the soldiers were levelling their bayonets to rush into conflict with an enemy not superior in numbers; when we read of such events as these, even civilians cannot help suspecting misconduct somewhere, and believing that, if rightly managed, the wars of New Zealand might have been brought to a much speedier, more honourable, and less costly conclusion. With whom the blame of these events rests, it is not for me to decide—in some instances, circumstances point to the military officers in command; but it is only fair to the soldiers to state, that they almost to a man complain of the interference of the civil power with their movements, and that on some of the occasions when failure was most evident, they were under the immediate personal direction of civil authority. If any one should have curiosity enough to examine the official records of the New Zealand wars, he must carefully look at the facts and disregard the high-flown phraseology, or he will infallibly be led to mistake a skirmish in which seven or eight men

fell on each side, for a victory greater than that of the Sutledj, when 15,000 of the enemy were swept into the river in a morning. Mrs. Hutchinson, in her *Life of the Colonel*, tells us of a certain Sir John Gell who with no appetite for fighting, was ambitious of the fame of a fire-eater; and, to obtain it kept in his pay the editor of a country paper. On one occasion, having nothing better to blow his trumpet about, he announced that Sir John Gell's troop had 'captured a dragoon in a plush doublet.' The reader will find among the official accounts of the New Zealand war many 'plush doublet' despatches.

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#### § 6. NATIVE TITLE TO WASTE LANDS.

Any account of the present state of New Zealand would be incomplete without some remarks on the question of the native title to the waste lands.

Two theories have been propounded. According to one, the savage inhabitants of an unreclaimed country have an absolute right of proprietorship in its soil, based upon the mere fact of their residing on some portion of it. Thus, because they live in New Zealand, New Zealand belongs to them. According to the other theory (which I give in the words of

Vattel,)\* it is contended that, in an unreclaimed country, 'in which there are none but erratic natives, incapable of occupying the whole, they cannot be allowed exclusively to appropriate to themselves more land than they have occasion for, or more than they are able to settle and cultivate. It is urged that their unsettled habitation in those immense regions cannot be accounted a true and legal possession, and that the people of Europe, too closely pent up at home, are lawfully entitled to take possession of the waste and settle it with colonies.'

The advocates of systematic colonization hold to the latter theory. The Bishop of New Zealand, the missionaries, and the landsharking interest at Sydney and elsewhere, protest against it and adhere to the former.

I have never seen anything worthy of the name of an argument in favour of native right. The fallacy used is usually an appeal to the sense of justice on the cruelty of robbing the natives of what is theirs.† It is an evident *petitio principii*, involving the question whether what is called theirs, *is* theirs or not.

The argument on the other side resolves itself

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\* Law of Nations, Ed. 1834, by Chitty, p. 100.

† See the Bishop's letter to Lord Grey. Parliamentary Papers, July, 1849, p. 37, &c.

into two branches—first, the legal, and second, the expedient.

1. As regards the legal, we find, from the earliest days of British colonization, the crown lawyers treating the crown as entitled to an absolute fee simple in the waste lands of countries only occupied by savages, or as they called them, 'infidels.' In the letters patent given to John Cabot, the charter of Lord Carlisle for the West Indies, that of Sir Humphrey Gilbert for Virginia, and every other document of the same sort, from the reign of Henry VII. downwards, we find the crown conferring absolute rights in words which even the high prerogative notions of Bacon or Noy would not have led them to use, if they had not considered the right of the crown absolute and indefeasible. They are not such words as they would have used if they had considered the crown only entitled to a right of pre-emption over lands of which the 'infidels' were the true 'owners.'

It is true that the colonists in those times found it necessary, as a matter of fact, to treat with the overwhelming numbers of natives about them, for liberty to settle in the countries they resorted to. But they did not admit, as a matter of theory, any 'right' in the natives, as appears from an extract from the instructions to Governor Endicot (quoted by Bancroft) where

he is told, that if the natives '*pretend* any right of inheritance,' he is to treat with them accordingly. So far from admitting any such right, we are told by Chancellor Kent,\* that 'the early colonists came to America with no slight confidence in the solidity of their rights to subdue and cultivate the wilderness, as being by the law of nature and the gift of Providence, open and common to the first occupants in the character of cultivators of the earth. The great patent of New England and the opinion of grave and learned men tended to confirm that confidence.' It is true the American courts have laid down a different rule for their own guidance, but neither their decisions nor the acts of private colonists or colonizing patentees could affect the common law rights of the British Crown. Nothing but legislation could do that, and there has been none on the subject. And in accordance with the same principle, the crown itself, on colonizing New Holland and Van Diemen's Land, barely fifty years ago, entirely disregarded the alleged native right. If it have any foundation, the sites of Sydney and Hobart Town have yet to be purchased from some wanderer in the Australian wilds.

2. On the ground of expediency still less can

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\* Commentaries, vol. iii. p. 387.

be said in support of the native right. Colonization being once permitted (and it cannot be prevented in some sort, either systematic or irregular,) the most beneficial thing that can be done for the natives is to promote the immigration of civilized people into their country. The admission of their absolute right to the land raises innumerable obstacles to beneficial colonization. It involves the colonizing government in endless disputes with landsharks about lands which they affect to have purchased from the natives. It causes a body of wretched speculators to throng to the colony for the express purpose of raising and establishing such claims; men who have neither the capital nor the energy to use an acre of the vast districts they acquire, but who hope to make a fortune by its re-sale, as it gains value by the exertions of others and the increase of population.\* It creates in the breast of the natives an insatiable cupidity, which condemns them to listless inactivity and a continuance in barbarous habits so

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\* It may be urged that the assertion of the right of pre-emption on the part of the crown will prevent this. Has it prevented it in New Zealand, where the landsharks have actually got some half-million acres, which, after ten years' fighting with the crown, have been confirmed to them by crown grants and ordinances of council?

long as they have an acre of land remaining by the sale of which they can hope to live in indolence. The money they receive for it does them no good, but is wasted, or at least spent, almost as soon as received, and often in ways very injurious to them.

But though, on grounds both of justice, law and expediency, it might, at the commencement of New Zealand colonization, have been desirable to negative the claim put forth on behalf of the natives, it is now too late to think of it. They have been taught a contrary 'doctrine,' by men of sacred character, high in office ; and though, I believe, without such teaching they might at one time have been easily persuaded to surrender the waste land to the crown, yet now it is too late. The only method by which it can now be got possession of, is by gradual and sometimes very tedious negotiation and purchase.

And supposing the native race not to become extinct, or not so rapidly as I believe they will, a practice has sprung up which will disincline them to sell the waste lands ; which has, in fact, already prevented their selling one district—the Wiararapa valley—the acquisition of which is of almost vital importance to the settlement of Wellington. The practice I allude to, is that of colonists leasing the waste lands from the natives, the history of which forms an instructive chapter

on the feebleness of the colonial government in reference to the aborigines.

At the very commencement of the practice, in March, 1844, the late Colonel Wakefield, the principal agent of the New Zealand Company, foreseeing its certain consequences, called the attention of the local government to it; on which an official notice was issued by the latter, warning all persons against entering into any negotiations with the natives for purchase, lease, or otherwise. Long experience of the feebleness of the local government had rendered its proclamations waste paper; and numerous parties, from the highest to the lowest, openly and without any attempt at concealment, proceeded to enter into arrangements with the natives in the Wiararapa in direct contravention of the notice, which described the practice as one 'which retarded the adjustment of very important questions, on which the prosperity of the settlements depended.' No attempt was made to prevent them; but in November, 1846, two years afterwards, an ordinance of council was passed, declaring the practice illegal, and imposing very heavy penalties on such as might follow it. This ordinance, like the previous notice, remained a dead letter; till about a year afterwards, in December, 1847, the local government, being again called upon by the Company's agent,

issued another notice, referring to the ordinance, and threatening its enforcement. Nothing however was done till another year had elapsed, when, as if the occasion for these threats had become intermittent, another notice was issued similar to the former ones, while a party was gazetted as public informer, who was himself notoriously an offender against it. No prosecutions ensued ; but, in October of the same year, (the Company's agent having determined on a final attempt to purchase the valley) one more proclamation was issued, being thus the fifth document published by the Government, threatening all sorts of pains and penalties on such as should disobey its edicts; and the Lieutenant-governor, Mr. Eyre, in his executive council, pledged himself to enforce the law.

The negotiation for purchase failed for the time, and the proclamation was heard of no more till about nine months afterwards, when fresh transactions being brought to his notice, the Company's agent again appealed to the government, and reminded the Lieutenant-governor of his pledge. A long correspondence ensued, in which that officer manifested every anxiety to fulfil his promise, and maintain the dignity of the law ; but it ended in his being prohibited from proceeding by Governor Grey, who informed him that if the Company's agent

wished the practice to be stopped, he might do it himself, which, as the Company had no executive political functions of any sort and no officers to employ in such a matter, was equivalent to saying it should not be done.

In the meantime, while these paper threats against occupation were being issued, the district was being occupied. The whole valley is now parcelled out amongst a body of colonists holding by lease under the natives, and paying them a rent of no less than 600*l.* a-year. The Government has admitted that the occupants have, by its neglect to enforce the law, acquired a vested interest, for which they must be compensated whenever the district is bought from the natives.

If this practice is continued, the renewal of disturbances with the natives may be looked for as a matter of certainty wherever it is allowed. Their covetousness has already led them to repudiate their bargains, and many sources of difference are growing up between them and their tenants. Both are transgressors of the law, and living practically beyond its pale. The only means of settling any serious dispute which may arise will be the tomahawk. Retaliation will ensue, and the responsibility will rest on those who ought to have prevented the origin or continuance of the practice.

## § 7. THE WASTE LANDS.

The right of the natives to the waste lands, though so contrary to principle, and attended with so many bad consequences to themselves and to colonization, is now in practice, and *ex necessitate*, admitted, while the right of the crown is reduced to a mere right of pre-emption; that is to say, it retains the privilege of being the only purchaser from the natives, and prohibits its subjects from doing so. Hence, it is through the instrumentality of the crown alone (or, in other words, of the Colonial-office and the local government) that every acre which is to be reclaimed from the waste and subjected to colonizing operations, must be obtained. And it follows that every private title must (to be valid) be traced back to a grant from the crown.

This privilege which the crown claims is not a mere feudal or prerogative one, but is founded on a wise and constitutional principle, by virtue of which it assumes the office of regulating the future settlement and occupation of the country. In the absence of such an exclusive power there would result a general scramble, and colonization would be an impossibility.

But in the exercise of this right, the crown is but a trustee for the public, and for the colonial public as distinct from the general mass of Bri-

tish interests; a position recognised by the Royal Instructions of 1846, (now in force,) by the Australian Waste Land Sales Act, and various other legislative and official documents which provide for the application of the funds arising from the land sales. The waste lands of a colony are the inheritance of the crown, but only for the purposes of regulation and administration; not to use at pleasure—not to be granted away for favour—or to be disposed of for the benefit of strangers. In any other point of view a right so large and so oppressive to a colonial community would be intolerable.

In what manner the trusteeship of the crown has hitherto been exercised in New Zealand, it will not be uninteresting to inquire.

In 1840 New Zealand was made an independent colony, and under the act of 3 & 4 Vic., c. 62, the crown granted it a formal constitution and a separate legislature. The act enabling the crown to erect such constitution, contained no provisions applicable to crown lands, which remained as before, subject to crown regulation, and it would seem, not liable to be affected by acts of the local legislature. By the charter (granted in 1840 under the great seal), power was given to the Governor, but subject to any royal instructions to be thereafter given, to make grants under the public seal of the colony, to

private persons for their own use, or to bodies politic for public purposes. By the instructions under the sign manual of the same date, it is directed that all the waste lands shall be sold at an uniform price per acre (to be fixed by the Secretary of State)—the purchaser having the privilege of recommending, for a free passage, a number of emigrants proportioned to the amount of his passage-money. Ss. 44 and 55. By the Australian Land Sales Act, 5 & 6 Vic., c. 36, all waste lands are to be sold by auction at an upset price of not less than 1*l.* an acre, the whole proceeds to be applied to public purposes, and one-half of the gross proceeds to emigration.\* By a subsequent act, New Zealand was exempted from the operation of the Australian Land Sales Act, and the crown's power over the waste lands restored. By the charter of 1846 (under the great seal) the crown gave the governor power to grant waste lands to private parties or public bodies, in accordance with royal instructions to be issued from time to time (the same as in the charter of 1840.) By instructions under the sign manual of the same

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\* The net proceeds would seem from the context to be intended—the clause is not clear. In a corresponding provision in the royal instructions of 1846, 'net proceeds' are specified.

date, the governor was directed to ascertain and register the native titles, and to consider all lands not covered by such titles as demesne of the crown. This has not been attempted, the opposite doctrine having, as already stated, been allowed to prevail in practice, and the demesne of the crown having been limited to so much as it has actually purchased from the natives, whether occupied by them or not. The demesne so ascertained was to be sold by auction at an upset price of not less than 1*l.* per acre, the net proceeds to be held in trust for emigration and other public services. These instructions were suspended by the act 10 & 11 Vic., c. 112, till the 5th July, 1850, but are now again in operation.

From the general system exhibited above, there have been exceptional variations.

1. By stat. 10 & 11 Vic. c. 112, the lands of the southern province and their administration were vested in the New Zealand Company for three years, which expired, and all rights &c. were surrendered by it, on the 5th April, 1850. But the land fund stands charged for ever with a debt of about 260,000*l.* and interest due from the Home Government to the company under an arrangement of the Colonial Office in 1846.
2. About 2,000,000 acres in the middle island have been vested in the same manner

in the Canterbury Association, with powers of administration, for a term of ten years, contingent on certain events, and renewable by the crown. 3. Several local ordinances have been pursued, more or less affecting the waste lands; such as four or five different land claims ordinances, by which a tribunal was established for the purpose of adjudicating on purchases by individuals from the natives before the colony was formed; an ordinance prohibiting purchases from the natives; an ordinance for quieting the titles of certain parties who had obtained grants in the north supposed to be invalid, but which the crown had been defeated in a first attempt to reverse and which threatened to be productive of much litigation; an ordinance to regulate the pastoral occupation of the waste lands in the northern district, under which licences are granted,\* and some others.

But a new light has been thrown on the whole aspect of the subject by certain decisions of the supreme court of the colony, involving consequences of such magnitude and importance as must excuse a brief notice of them.

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\* No regulations are in force in the southern province where all the grazing land is, except at Canterbury; those introduced by the company having expired, and none having yet been substituted by government.

A great number of grants of land were issued by Governor Fitzroy, in an irregular manner, to private parties claiming under purchases direct from the natives—some previous and some subsequent to the establishment of British authority. In some instances these grants were in contravention of the provisions of local ordinances; in others, in opposition to the recommendation of the commissioners; and in all they were opposed to the charter and the royal instructions.

Under instructions from home, Governor Grey took steps to settle the question of their validity by proceedings in the supreme court at Auckland. Similar proceedings were taken at Wellington by the New Zealand Company, whose title was in some instances affected by such grants, claiming to over-ride it.\* In all the cases tried, the court decided that the grants were valid and irreversible. It was thus established, by repeated decisions of the highest tribunal in the colony, that a grant of land made by the Governor and under the colonial seal, though in

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\* *Regina v. Clarke*; *Regina v. Taylor*, and *M'Intosh v. Symons*, were tried at Auckland. The two latter are reported respectively in the *New Zealand Journal*, 6th November, 1847, and *Parliamentary Papers*, N. Z. August, 1850, p. 3. *Scott v. Grace*, and *Scott v. M'Donald*, were tried at Wellington, and are reported in the local papers between 1846 and 1848.

opposition to royal instructions, to the charter, and to local ordinances, is valid and binding on the crown, conferring a good title on the grantee and his assigns. Hence a Governor, though acting contrary to instructions, might grant away at his pleasure the whole of the waste lands, his power being absolute and uncontrollable even by the crown itself.

It might have been expected that a decision involving such consequences would have been carried before the Privy Council, on appeal. But Governor Grey, apparently foreseeing the agitation which such a course would have created among the European population immediately around the seat of Government, yielded, and passed an ordinance quieting the disputed titles, and rendering valid 'all grants under the colonial seal made previously to the passing thereof.'\*

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\* A report has reached me that the decision of the Colonial Court in one of the above cases, was actually brought before the Privy Council, when (without hearing the respondent) it was reversed. Nothing has been published on the subject; but if it be so, it seems extraordinary that the crown should be advised to abandon its rights, or rather those of the public, by confirming the ordinance referred to above, which was passed only in the belief that the decision of the local courts was irreversible, and, as Lord Grey himself states, without any meritorious ground existing in the case of those benefited by it.

The governor, however, wrote to the Colonial Office, pointing out the consequences of these decisions, transmitting a copy of his ordinance, and requesting that the 'whole subject might be brought under the review of the home Government, in order that the authority of the Governor may be clearly defined, and such difficulties avoided in New Zealand or other colonies for the future.' The despatch containing this request was written on the 24th of July, 1849, and received at the Colonial Office on the 3rd December in the same year. It was not till the 13th of August, 1850, when a whole session of parliament had elapsed and all opportunity of doing anything had passed, that Lord Grey answered the governor's despatch, when he merely acknowledged its receipt, expressed his appreciation of the motives which led the governor to pursue the course he had, and intimated her Majesty's approbation of the ordinance. As far as appears by the *Blue Book*, no other notice has ever been taken of this most important matter; another session has since elapsed, and it still remains *in statu quo*.

It will be seen from the above brief statement, that many questions of the utmost importance arise out of the present unsettled state of the law on this subject—questions too abstruse and difficult to be disposed of or even discussed

within my present limits. They are such as these :—

1. What is the nature of the crown's power over the waste lands? In what form ought it to be exercised? Is the Governor by his commission absolute territorial lord of the colony, capable of alienating at pleasure the entire territory to the exclusion of future colonists, and the complete extinction of all attempts at systematic colonization?

2. In what way can the sale of waste lands be carried on most advantageously, effectually, and economically for the service of the colony? This involves the still larger question, of how can emigration be best promoted?

3. Is the local legislature at present competent to make regulations relative to the waste lands, and, above all, to 'quiet disputed titles,' which virtually means to grant away the lands of the crown? If not, ought not steps to be taken to repeal, or rather declare null, the ordinance passed at Auckland, and to restore the crown to its rights? Can this question be settled except by the imperial parliament?

4. What ought to be the application of the funds arising from land sales?—ought they to be charged with debts incurred for special purposes, such as the pensioner immigration, or

the New Zealand Company's debt—and could any authority, except the imperial parliament, with propriety have made, or hereafter make, such charges? This involves the larger question of the right of the colonists to administer their own affairs, and particularly their own lands.

If indeed it could be shown that this large and important branch of colonial administration had been hitherto wise economical and effective, the answer would be simple—to leave matters as they are. But there is a deep-seated feeling in the colony and elsewhere, that its interests are neglected and mismanaged; and that whether wilfully or through inability, the Colonial Office and its dependent board the Land and Emigration Commission, have failed in the object for which governments are established—the promotion of the prosperity and welfare of the governed. In that portion of the colony in which the crown has retained the administration of the waste lands (the northern province), scarcely any lands except a small portion in the town of Auckland have been sold; while I believe not less than from 300,000 to 400,000 acres have been granted away by it without consideration, and in respect of which no immigration has been effected. The only emigration which has been effected by means of the land

fund in New Zealand, is that which has occurred in the southern province, where the government had put the administration of the waste lands out of its own hands.

I shall now conclude my subject by an inquiry into the nature and condition of the local government of the colony.

## CHAPTER III.

### GOVERNMENT.

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#### § 1. THE EXISTING FORM.

THE form of government established in New Zealand, as in all the crown colonies, presents an outward resemblance to a mixed monarchy, in which the absolute will of the ruler is tempered and controlled by constitutional checks. But when these checks are examined they prove to be entirely inoperative, and the government practically exists as a pure unmixed despotism.

The two powers which at first sight appear to control the absolutism of the governor, and to share if not to over-ride his authority, are the legislative councils and the colonial office ; but, for reasons which I will proceed to state, neither of them have in reality the smallest practical influence on his acts.

The legislative councils fail, and must necessarily do so, on account of the fundamental principle on which they are constituted. They consist solely of certain paid officers of govern-

ment, holding *ex-officio* seats, as the attorney-general, colonial secretary, &c., and of nominees appointed by the governor and removable at pleasure.\* Formerly, the number of nominee members was less than that of *ex-officio* ones, but since 1848 (the establishment of the provincial councils) this has been altered, and there is now a majority of nominated members. The result however is the same in either case—the Governor passes whatever estimates, and carries whatever measures he pleases. Under the former system the nominee members used commonly to make a display (possibly an honest one) of opposing the Government; but their opposition was always overruled by the votes of the *ex-officio* majority. The same end is now attained in a different way. Care is taken in selecting nominees to secure only such as will give the Government unflinching support,† and

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\* They are nominally only removable by the Colonial Office, but a word from the Governor will always ensure their removal, and in the interval, if necessary, the council is prorogued.

† In 1849, Governor Grey made a show of offering seats to the leaders of public opinion, on the liberal side; but the offers were accompanied by others to safe men on the Government side, so that if the former had accepted, the Government would (with its officials) have always had a majority. All the leading politicians

thus, though often in a majority even on questions in reference to which they speak against Government, their vote is always with it. In the session of 1849, at Wellington, with the exception of a single vote of 800*l.* on the educational question, the nominees supported the government in every particular of the slightest interest to it, and passed the estimates (which the colonists at large would have cut down by at least one half) almost in the very shape in which they were laid before them. One of the nominees (Dr. Greenwood) expressly stated in council, that their presence there amounted to a pledge 'not to oppose the Government.' Another of the members (Dr. Monro) finding on one occasion that owing to the absence of some of the official members a motion of opposition on the part of the nominees must necessarily be carried, chivalrously proposed an adjournment that the Government might bring up its forces ; but the Lieutenant-governor good-humouredly declined the offer, and the nominees, though in an undeniable majority, allowed him to carry his measures without any resistance

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declined, and he was driven at last to nominate retail dealers, commission-agents from Sydney, keepers of small preparatory schools, and others of no position in the colony.

except in words. This was the course of proceeding all through the session, and, except as far as it relieved the executive government from responsibility, the council might as well never have met.

And indeed Governor Grey seems to have arrived at the conclusion that it is not worth while to go through the form of calling it together. At the date of the latest news from the colony (the middle of March last) the legislative council of the southern province had not sat for twenty months, and that of the northern for nearly the same period. The revenue had consequently for eight months of that time been expended without any legislative appropriation, on the mere warrant and at the pleasure of the Governor; an event which occurred also previously to 1848.

The legislative councils therefore appear to have been called into existence only to satisfy the provisions of the charter which prescribes their creation; but the government is carried on, either without their being summoned, or if occasionally they are, without their exercising the smallest influence over it.

The other apparent check, the Colonial Office, (which is supposed to represent the British Government,) is equally ineffectual to control the governor, except in extreme cases, when

action is forced upon it by Parliament, as it was in New Zealand in 1845. It is perhaps natural that the office should, as a general rule, support a Governor of its own appointment. The presumption in the mind of Downing-street would be that a Governor is in the right, though it must be admitted that experience might have taught it a different conclusion. Consequently, so long as his acts do not get the office into difficulties, it seldom if ever interferes with his proceedings. But this is not the only cause of its inefficacy as a check. There are innumerable cases in which complaints of the Governor and of his acts are made to the Colonial Office by the colonists, and that in a sufficiently imposing form as regards numbers, facts and arguments, to throw upon the office the responsibility of deciding between the Governor and colonists. And here occurs the weak point, the means by which the Colonial Office is brought always to decide in the Governor's favour. Every complaint, petition, or memorial, relating to him or his government, must be forwarded through him, and goes home accompanied by his own comments and explanations, which are never seen by the colonists or open to any reply from them, till perhaps they appear in a Blue Book twelve or eighteen months after the question involved has been decided against them. Of

course under these circumstances, he always makes the best defence he can, whether it be of himself personally or of his measures. And the Colonial Office invariably adopts his explanation, and decides in his favour. At least that has been the experience of the colonists of New Zealand, and more particularly during the last five years.

Nor is it any easy matter to bring public or parliamentary opinion to bear upon the Colonial Office when it decides wrong. So much of the questions in dispute as is permitted to see the light, is to be found in the Parliamentary Blue Books. But the contents of these are only selections, and selections made by the Colonial Office. They contain a portion of the truth, but seldom the whole truth ; and what there is of truth is often mixed with what is untrue, or plausibly exhibited in a false light. We will suppose a memorial to have been addressed by a body of highly respectable colonists to the home government, complaining of a long series of acts of misgovernment, and dissecting previous despatches of the Governor. It will appear in the Blue Book, in small type, preceded by his defence in large, to which is certain to be appended a reply from the Colonial Minister, assuring him that the complaints of the colonists have in no way lessened her Majesty's confidence

in him. The defence probably consists of a few holes picked in some subordinate part of the charge, and then a request that the writer may not be called upon to reply to statements of which these are a sample.\* Or an attack will be made on the character of the chairman of the meeting from which the complaint emanated, and the charges ignored, because they proceeded from such a source.† Or, if there is an opening for neither course, a bold front will be assumed, and surprise expressed that charges should be preferred, of the falsehood of which every respectable person in the colony has been long convinced.‡ Or, finally, if the rottenness of the case is so apparent on the face of the documents that it cannot be otherwise concealed, they will be distributed in inextricable confusion and small type, up and down the book, while the Governor's denial and the Colonial Minister's adoption of it, will be printed prominently, and in good large type.§

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\* Mr. Brown's case, Parl. Further Papers, 1850, in continuation of 31st July, 1849, pp. 119 and 120; and Parliamentary Further Papers of August, 1850, p. 31 to 52.

† Ibid. August 1850, p. 96.

‡ Ibid. 1850, in continuation of July 31, 1849, p. 206.

§ See a correspondence in Parliamentary Papers (N. Z., 1850, in continuation of 31st July, 1849), commencing at p. 70, and interspersed through the book

And in addition to thus forming a weapon of defence to the Governor, they provide him with one of attack against his adversaries, with which he is constantly able to deal heavy blows without their being aware of it. Thus charges will be made against an individual, who, though in the colony and at the seat of government, is not there put on his defence, and only becomes acquainted with the charge from seeing it in the Blue Book a year after it was made.\*

And thus the Colonial Office, so far from constituting any check on the Governor, in reality serves him as a shield and protection against

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to p. 166. If the letter printed at p. 94 had been placed by the side of those in pages 73 and 166, the true state of the case would have been apparent to any eye. Distributed as they are, the confusion prevents detection.

\* See Parliamentary Papers, N. Z., July, 1849, p. 52, &c., from which it appears that a most serious charge made against the chief justice of the colony, was only communicated to him a month after it had been sent home, the result being that Lord Grey decided the matter without hearing his defence. The case of Mr. Forsaith was worse. He saw his character destroyed in a Blue Book—was able to deny every fact alleged against him, and Governor Grey had to withdraw every one of his charges; but not till they had been in print for a year. Archdeacon Williams was treated in a similar manner, and several other instances could be pointed out. No man who has ever taken a part in colonial politics is secure against such treatment.

public opinion in the colony. Colonial governments would have to yield to that opinion much oftener than they do, if they had not the opinion of the Colonial Office to exhibit in opposition to it. That department serves, ostensibly, as a sort of tribunal of reference between the colonists and the Governor ; but stands virtually pledged, as well as interested, always to decide in favour of the latter.

The only instance in which a decision has been given against Governor Grey, was in reference to the abolition of the county courts, a matter of little importance, but which was clearly an illegal act. On no single question of policy have the suggestions or complaints of the colonists been listened to. For the last three years numerous and repeated complaints on matters of vital importance, supported by careful analyses of his published despatches, and emanating from large bodies of the most respectable and influential colonists, have been sent home from all the principal settlements. A bare acknowledgment of their receipt, and an assurance to the Governor of the continuance of her Majesty's confidence, are all the reply they have ever elicited from the home government.

Nothing can be worse than the effect of this on the minds of the colonists. Possessing an overwhelming majority in the colony, they are

continually defeated by a minority of one, who is enabled to stand his ground against them by the support of a distant ally who has never seen the colony, and in whose capacity for judging of the matter the colonists have no confidence. The certainty with which all differences are decided against them, impresses them with a feeling that it is entirely useless to address their complaints to the Colonial Office ; and they only continue to make them from a feeling of self-respect which prevents their submitting in silence, and in a sort of vague hope that in the pages of a Blue Book they may meet the eye of some colonial reformer, and elicit sympathy, if not redress.

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## § 2. PRESENT GOVERNMENT—DEFECTS OF.

The form of government which I have described in the last section is that to which the colonial reformers, who took part in the great New Zealand debate in 1845, attributed all the evils under which the colony then suffered ; and there is no doubt that to that cause they were chiefly traceable. They were brought prominently forward at that period by the personal indiscretion of the Governor. Governor Grey is a person of more tact and diplomacy than his predecessor, and he avoids placing himself in

positions where the flagrancy of some single act might attract public attention to the general inefficiency of the system of government of which he is himself the development, the head and front. Yet for all practical purposes, the evils of the system which evoked its emphatic condemnation from Lord John Russell, Lord Grey, Sir Robert Peel, Sir James Graham, and other statesmen, in 1845, exist in their full force and vigour at the present hour. If their results are less manifest, it is owing to the personal tact of the Governor; to the enormous expenditure of British money in the colony, which creates a fictitious and temporary prosperity; and to the presence of a large military force, which ensures tranquillity among the natives.

But the government, *as a government*, is as inefficient as it was in 1845: it exhibits the same normal and inherent characteristics, and it bears, to a great extent, the same fruits.

The defects of a despotic form of government, particularly when its head resides at a distance of from 500 to 800 miles from the principal communities to be governed, exhibit themselves in two aspects, apparently contradictory to each other. On the one hand, there is far too little government; on the other, there is a great deal too much. I will endeavour to explain the paradox.

The deficiency of government arises from the fact, that everything depends on the will of one man. 'Be his abilities and his industry what they may,' the impossibility of his presence in many places at once, the amount of details which have to be disposed of, and, in New Zealand, the imperfect perception which he necessarily has of circumstances at a distance, render his efforts, however well intended, feeble and ineffective. To add to the difficulty, a very large amount of time and of energy is consumed, not in any part of the practical business of government, but in reporting to the Colonial Office his acts or intentions, and in defending himself from the attacks and complaints which are constantly being preferred against him from some quarter or other. Hence, instead of being decided on at once, and executed with promptitude, matters of the utmost but often of purely local consequence, are delayed for months by the necessity of reference to head-quarters ; and when determined on, are carried into execution feebly and inefficiently by reason of the distance of the agent from the power which puts him in motion. In one case, where the purchase of a large district of land near Wellington was the object, it took seven months before the sanction of the governor could be obtained and a commissioner be got to enter on the negotiation.

On the other hand, there is too much government. The official establishments are altogether disproportioned to the communities whose affairs they administer. In the southern province of New Zealand there are not less than 100 paid officials (besides about forty policemen) to govern a population (at the time the estimate was made) of not 10,000 Europeans. This is attributable to two causes; 1st. The necessity which the weakness of the government creates for the employment of a great many hands to help it; making up in quantity what it wants in quality: and, 2nd, The tendency which all despotic governments have to buy support by patronage. In the southern province, in the year 1850, with an ordinary revenue of 19,000*l.*, no less than 14,000*l.* (minus a small sum for contingencies used in the offices) appears to have gone into the pockets of the officials as salary; while nearly the whole of the remainder was expended on police, printing, or other matters involving patronage, and attaching the recipients to the interest of government. In 1846, Governor Grey proposed the appointment of a lieutenant-governor for the southern province, and pledged himself if one was appointed, 'judiciously to curtail' the existing cost of government. But he has found it impossible, and will so long as

the present system exists. At the date of that pledge, the entire annual cost of government at Wellington was 4409*l*. A lieutenant-governor was appointed in 1848, and the cost of government, so far from having been 'judiciously curtailed,' has swelled to 16,000*l*., while the ordinary revenue, in the same period, has increased less than 5000*l*.

The colonists complain, and apparently not without reason, of the manner in which patronage is exercised. The more formidable politicians are bought up in the most open manner—offices being even invented for their accommodation.\* If a young gentleman arrives in the colony who writes 'honourable' before his name—who has a cousin in the House of Lords, or relatives of influence at the Colonial Office—he never waits long for an appointment.† If it is desirable to secure a partisan of a humbler class, 'the first vacancy in the customs is promised ;' and, probably, it is owing to the run on this department that the collection and keeping of the revenue of Wellington alone costs the enormous amount of seventeen per cent. on the gross sum collected ; the whole of which is expended

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\* Nelson, in 1847-48.

† Auckland, 1849. Wellington, 1850.

on custom-house officers, treasurers, auditors, and their clerks.

But the instances of patronage which create the greatest dissatisfaction are those which emanate from the Colonial Office. Take the Otago judge for example. Mr. Stephen, a barrister of Van Diemen's Land (a cousin of the gentleman who for a quarter of a century held the Colonial Office in fee) was unjustly disbarred by the judges of that colony. After a seven years' appeal, their judgment was reversed by the Privy Council. The Colonial Office felt that it was implicated, and that compensation was due to the injured. But it spared to take of its own flock. The infant settlement of Otago rejoiced in a surplus revenue of 800*l.* a year, and was only perplexed on what work of utility to expend it, when the difficulty was solved by the arrival of a judge of the supreme court (in the person of Mr. Stephen), with a salary of precisely that annual amount. The necessity for his appointment may be estimated from the fact that only one criminal and not one civil case for the supreme court, had arisen at Otago in three years, and that there were already two judges of the Supreme court in the colony, whose offices were almost sinecures.

Major Richmond's was a similar case. When it was determined to convert the Wellington

Superintendency into a Lieutenant-governorship, and to confer it on Mr. Eyre, orders were sent out to the Governor to provide for the Superintendent an office of not less value than that taken from him. The Governor had no such office in his gift, but the office of Resident magistrate at Nelson was converted into a Superintendency, the salary increased from 250*l.* to 500*l.* a-year, (the duties remaining precisely the same as before), and Major Richmond was installed in the office.

Patronage being so exercised, it is not surprising to hear the colonists complaining of the inefficiency and incompetency of the officials. An instance or two may be given. In January last a deputation of settlers waited on the Governor on business of importance. The Attorney-general and Colonial secretary were present officially. To the surprise of the deputation, the Governor and both the above-named officials were entirely ignorant that the lands within the settlements which had formerly vested in the New Zealand Company, had for six months past been re-vested in the crown. The point arose on an act of Parliament, which had been constantly before them for three years and a half, and for some months past ought to have been their daily study; and it involved the rights of the crown and local government

over all the settled lands in the southern province. It was not till a correspondence had taken place with the colonial secretary the following day, that the governor could be convinced of the oversight. A few months before this, in consequence of a dispute between a party and the registrar of deeds, a case was referred to the supreme court for decision; when it turned out, that the system of registration in force was directly contrary to the provisions of the ordinance establishing it—that the government had in fact for ten years been working the wheels of its own machine the wrong way, and all it had done was invalid in consequence.\* A complaint was made against a resident magistrate. The colonial secretary of the southern province wrote to the complainants admitting its justice; and by the same post he wrote to the magistrate thanking him for the able manner in which he had always performed his duties. The magistrate got a copy of the other letter, put both into an envelope, and sent them back again. The colonial secretary of the other province refused in council to receive a protest, 'because it contained no reasons in favour of the measure

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\* See Judge Chapman's decision in the *Wellington Independent*, August 24, 1850.

protested against;' and the same gentleman moved to strike out of an appropriation Bill the words, 'not exceeding.' I might fill pages with instances of this sort, many of which came under my own observation; but it is not necessary to pursue the topic. Some further instances will occur incidentally in subsequent pages.

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### § 3. ADMINISTRATION OF JUSTICE.

The liberty of the subject rests on nothing so much as the independence of the judges, and all historians concur in praising those monarchs who have contributed to place it on a secure basis. In England they hold their office during good behaviour, and can only be removed on an address from both Houses of Parliament. In New Zealand (as I believe in most colonies) they hold office at the pleasure of the crown, that is virtually, of the governor; and the only security for the impartial administration of justice in cases where the crown may be interested, is to be found in the personal character of the individuals on the bench—in respect of which, though New Zealand is fortunate, yet it is a mere accident and affords no constitutional security for the future. It is not creditable that such a system should exist in any part of the

British dominions, and it ought to be abolished without delay.

The provision for the administration of summary justice is also unsatisfactory, and a system objectionable in itself has been made worse by the manner in which it has been applied.

There is in every settlement a salaried Resident magistrate, who has in most cases the power of two justices of peace, and who also possesses a civil jurisdiction to the amount of 20*l.* between Europeans, and to any amount between natives, being assisted in the latter case by two native assessors.

It is intelligible why in the metropolis and other large towns in England, the system of employing salaried magistrates has been resorted to. It is necessary in such cases to have the law administered by persons professionally acquainted with it, and of course their services can only be obtained by paying for them.

But in New Zealand, though the Resident magistrates are paid (and very well paid too), not one of the whole number is a lawyer, or possesses any law-administering quality which would be considered marketable in this country. Seven out of eleven are military or naval officers; some of them on duty with their regiments; one a nautical surveyor; one an architect and land agent; the remaining two being

gentlemen who were never brought up to any profession.\* Their salaries vary from 100*l.* to 500*l.* a year, and some have salaried clerks to assist them, and forage for a horse in addition.

But it may be supposed that a number of independent unpaid magistrates, serve to counter-balance these salaried officers of government. It is not so. Take the Wellington bench for example. There are upon it the Resident magistrate and eight paid government officers, such as the colonial secretary, attorney-general, &c., while there are only seven who are not in government pay; and of these seven one lives at a distance from Wellington which precludes his ever sitting on the bench, and another is often absent from the colony. There are also in the commission six military officers (on duty with their regiments,) who however seldom act. For all practical purposes there is at all times a working majority of paid government officials on the bench.

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\* Major Brydges, at Bay of Islands; Major Beckham, at Auckland; Captain King, R.N., at New Plymouth; Captain Smith, at Manakau; Captain Kenny, at Otahau; Major Durie, at Waikanae; Major Richmond, at Nelson; Mr. St. Hill, at Wellington; Mr. Hamilton, at Wanganui; Mr. Strode, at Otago, and Mr. Watson, at Akaroa. A strong inclination to employ military men in civil affairs to the exclusion of colonists has been shown in New Zealand.

Nor has the government hesitated to interfere directly with their deliberations. On a recent occasion, a resolution had been passed by the bench at Wellington, (in a perfectly respectful tone) which was contrary to the wishes of the local government. The Resident magistrate and inspector of police concurred in it. They received a severe reprimand from the colonial secretary, and were distinctly informed (in a letter which I read) that whenever any question affecting the government should be before the bench, all salaried officials who might be sitting as magistrates, were expected to refrain from voting against it.

One such instance is sufficient to destroy all confidence in the bench ; and it has done so, as is proved by the fact that when any case came before it, in which government was concerned, (such as a dispute with custom-house officers, &c.) it was a very usual practice for the other party to canvass the independent magistrates, and request their attendance to see fair play. This happened to myself twice within the last six months that I was in the colony, and the reason was on each occasion distinctly stated.

Complaints are common among the colonists of the personal unfitness of many of the resident magistrates, and the following anecdotes would show that they are not without foundation.

One of them sent a party 300 miles, to be tried by the supreme court on a charge of felony, whose offence consisted in being found asleep in a cellar where he had no business to be. There was a long file of witnesses whose expenses, I suppose, had to be paid by the colonial treasury. Another assured a party charged before him that it was the policy of the law of England always to consider a man guilty till he proved himself innocent; while a third exhibited his legal ability by contending against an unpaid brother justice, that the laws of England had no operation in a colony.

There seems no reason why summary justice should not be administered in the colony by unpaid justices: they would have as much professional knowledge as the paid ones, and might be assisted by a paid professional clerk. Independently of the bench being relieved from the suspicion of a government leaning, to which the present system necessarily subjects it, it is of no little importance to accustom the colonists to administer justice themselves, and to familiarize them with the laws.

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#### § 4. CURRENCY, AND INTESTATE ESTATES.

The currency of New Zealand has, till recently, consisted of specie and the notes of the Union

Bank of Australia. The issue of paper money by private banks or individuals has, however, been recently prohibited, though the existing circulation of notes of the Union Bank is permitted to continue for a time.

It has been a favourite theory among a section of writers on the currency to put the issue of paper money on the same footing as that of the metallic currency—to make its issue the exclusive privilege of the Crown. In 1847, Governor Grey was directed by the Colonial Office to pass an ordinance creating a government bank, and which was to embody the following leading points:—1. The business of the bank was to be limited to receiving specie and issuing paper in return. 2. The notes to be payable in cash on demand at the bank of issue. 3. To be legal tender for sums above 2*l*. 4. Specie equal to one-third of the issue always to be retained in hand. 5. The balance of specie received to be invested on certain specified government securities. 6. All other banks and private parties to be prohibited from issuing paper money.

The ordinance passed\* however, differed most materially from Lord Grey's instructions—and, on one point of vital importance. The whole

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\* Sess. VIII., No. 16; confirmed 12th April, 1850.

foundation on which the plan rests is, that the specie received shall be invested only on the best securities, and always be forthcoming when wanted. Lord Grey had taken some, though perhaps insufficient, precautions on this head, but his instructions were disregarded, and power retained for the Governor to invest or use the bank funds as he might please. The investments of surplus specie are, by the ordinance, to be in the governor's sole discretion: There is nothing to prevent his lending it to any department of the local government—he may invest it in debentures of his own issue—nay, by a little ingenuity, he could even discount private paper, though not at the banking house, the ultimate payment of the bank-notes being charged on the general revenue.

This did not escape the eye of the Lords of the Treasury, when the ordinance was referred home for confirmation. They pointed it out, and Lord Grey (while confirming the ordinance in other respects) directed its amendment in two or three particulars; among others, providing for the investment of the specie in the British funds. Banks, however, were opened at Auckland and Wellington, which had been in operation for nearly twelve months at the latest dates from the colony, and the requisite alterations had not then been made.

But this is not the only apparent illegality

connected with the bank. Its very constitution is, as far as can be ascertained, fundamentally invalid and illegal. The charter of the colony expressly prohibits the Governor and his legislative council from establishing a paper currency of this description without special permission from the crown *first* given. No such permission seems to have been issued, as far as can be judged from the *Blue Books* and other parliamentary papers.

The legality of the transaction appears therefore at least open to doubt; but the considerations suggested by it are of far graver moment even than the validity of the bank paper. It exemplifies in a striking manner some of the most prominent features of colonial misgovernment—a Governor disobeying his instructions without rebuke—a nominal legislature registering at his bidding an act doubtful at least in point of law, and contrary to all sound policy, in defiance of public opinion, expressed in the most unequivocal manner. And as to the measure itself, think what would be said in England if an act were passed to place the funds of the Bank of England at the disposal of the Government—to make Bank of England paper legal tender, and to charge all possible losses on the consolidated fund.

That the paper currency of the colony should be confined to that of a bank established under

such circumstances is scarcely satisfactory. But even if royal instructions should have been issued, and Lord Grey's amendment requiring the investment of the surplus specie in the British funds were carried out, the measure is one which appears to give the Colonial Office an unconstitutional control of the most objectionable description over the finances of the colonists. Suppose that, in the course of a few years, a large sum should be invested in the British funds in the names of commissioners or otherwise, and that any dispute should arise between the colonists and the Colonial Office respecting pecuniary matters, such as the right of the latter to charge the cost of the pensioner emigration, or similar large sums, on the colonial revenue; what is to prevent the Office from settling the dispute by appropriating the bank investment? Something of the sort was done in reference to the New South Wales land fund in 1840, when the colonists learned with surprise that a sum of about 300,000*l.*, which had been placed in the hands of commissioners in England had been appropriated to the payment of what was called a back debt due from the colony to the home government for military and other expenditure, about the incurring of which the colonists had never been consulted.

But independently of the unpleasant relation towards the home government, in which the pro-

posed investment might place the colonists, they naturally feel jealous of intrusting to the hands of the local authorities, over which they have no control, powers so liable to abuse as those the ordinance confers. Without imputing any intentional dishonesty, it is well known that in the absence of representative government, great liberties are not unfrequently taken with public money; and an incident which happened in the colony just when the bank was being established, was not calculated to increase the confidence of the colonists in the local government as a trustee of public funds of any sort. The particulars were these:—

According to the original practice established in New Zealand all intestate estates vested in the Registrar of the Supreme court, who was obliged to give a general security for their safe keeping; and if he had an unusually large amount in hand he was required by the Judges to find extra and special security. The funds were thus in the safe custody of the court and under the control of the Judges, who were in the habit of exercising great vigilance in the matter.

About three years ago Governor Grey took these funds out of the hands of the registrar of the Supreme court, and directed them for the future to be deposited with the local treasurers and sub-treasurers of the provincial govern-

ment, in common with the general proceeds of the colonial revenue. This was done against the protest of one at least of the two Judges.

The consequence was not long in exhibiting itself. An intestate estate of considerable amount (that of Mr. Perry, who was drowned in Cook's Strait, in 1846 or 1847,) had in consequence of there being English creditors, been a long time in course of winding up. Part of it had been distributed, but a considerable sum remained, (or rather ought to have remained) in the hands of the Nelson sub-treasurer. The judge of the supreme court at Wellington, in April, 1850, issued an order for the distribution to creditors of about 300*l.* of this sum. A solicitor was sent over express, and the order duly presented to the sub-treasurer at Nelson. That officer candidly admitted that the proceeds of the estate, or some part of them at least, had been spent by the government, and he dishonoured the order, which was carried back to Wellington. An attempt was made to persuade Judge Chapman to take it back, but he refused ; and finding that the local government was inclined to treat the matter with levity, he intimated that the court would be compelled to enforce its order. This put the government in motion, and, I believe, after six or eight weeks' delay, the money was found somewhere and the amount paid.

As far as the public has been made aware, this breach of trust has not been visited with any censure by the higher departments of government; yet the principle involved is the same as if the accountant-general of the Court of Chancery, or the receiver-general of the British taxes, was to prove a defaulter to the amount of three or four hundred thousand pounds.

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§ 5. COMMUNICATION BETWEEN DIFFERENT  
SETTLEMENTS.

Situated as the several settlements of New Zealand are—connected by a saltwater highway, and no other—the means of communication between them is a matter of no little consequence. Between the southern settlements a pretty brisk local commerce carried on in coasting vessels, and the monthly or bi-monthly transit of an English emigrant ship affords some facilities; but they are not sufficiently regular or speedy in their movements to answer every purpose which is required. Steam is much needed, and in 1848 and 1849, when Governor Grey was canvassing for nominees to serve in his legislative council, he promised the southern settlers to lose no time in introducing it, proposing to effect it by an annual vote from the colonial

revenue, as a bonus to induce ship-owners to undertake it. Nothing, however, has hitherto been done towards it, except his writing a despatch to the Colonial Office on the subject, asking for a grant of money ; to which a ' more convenient season ' sort of answer is given, and nothing either done or promised.

The means of communication with Auckland, (the seat of government,) are very defective. There is an overland mail, carried by a native, which is three weeks on the road, and affords the prospect of an answer in seven or eight weeks from the date of writing. There is also a government brig, which occasionally, but with no sort of regularity, visits the different settlements. In fact, for months together, no communication by sea between Auckland and the Southern settlements takes place. On one occasion the Lieutenant-governor sent despatches to the former place by way of Sydney, and I have myself been upwards of five months in receiving a reply to a letter of pressing importance.

The government vessel might have been of considerable use in lessening the inconveniences arising from the distance of the capital, had she been used as a regular packet between the settlements. The colonists, however, complain of her mismanagement, and state that, though her maintenance has, since the colony

was founded, cost nearly 20,000*l.*,\* she has not really done work to the value of as many shillings. She has generally been in an unseaworthy condition, and the accommodation for passengers so extremely bad, that nobody who had once been on board of her would sail in her again if he could make the voyage in any other way.

In May, 1850, I returned in this brig from Nelson to Wellington, in company with Mr. Justice Chapman, who had been at the former place on duty, and three other passengers, one of them a lady. It was blowing rather fresh as we left the harbour, and the first thing that happened to us was the carrying away of our jib, which there was not another on board to replace. We ought to have made the passage in six-and-thirty hours, but the breeze falling light and there not being a single stun-sail on board, we were caught by a foul wind just be-

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\* 2000*l.* a-year of the parliamentary grant is voted for the purpose. In 1846, Mr. Hawes being asked in the House of Commons what the item was for, replied, 'that it was for a steamer in which the governor paid his periodical visits to the settlements!' There is no steamer, and the governor never sails in the brig, but always in one of the men-of-war on the station; the expense of himself and suite being a further tax on the public purse.

fore we made our port. The sails were so rotten, that they had all to be clewed up, the helm was lashed, and we drifted back again, stern foremost through the Straits. This happened to us twice before we arrived at our destination, which we were six days in reaching. In the meantime we were nearly starved. The whole of the fresh provisions put on board at Nelson for six passengers, the captain and chief mate, were one very small sheep three pigeons a cabbage four mouldy loaves and a kit of potatoes. We were reduced at last to rancid salt pork and hard mahogany-coloured beef, such as the sailors call salt horse. Though the nights were long, there was not a candle on board, not a lamp, nor a drop of oil; and the only substitute we had, consisted in an invention of my groom's, who filled a black bottle with what he called 'cook's slush,' and stuck a cotton rag into it by way of a wick. To add to the other annoyances I had a valuable thorough-bred horse on board, which was seriously injured and very nearly killed in the gale, which the want of stunsails compelled us to encounter.\*

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\* The refusal of the judge and other passengers to pay for their passage led to some improvement in the management of the brig, but she was still without stunsails in January last.

Till the establishment of steam, the best method of communication between the capital and the southern settlements would be a couple of smart cutters or smacks running the circuit every month, which I have been assured by sea-faring men could be effected by contract for considerably less than half the present cost of the brig.

Overland communication between the settlements, by made roads, is entirely wanting. But large sums of money (wholly, I believe, from the parliamentary grants) have been expended on road-making, within the settlements of Wellington and Auckland, with the view of rendering the adjacent districts accessible from the towns. The amount expended on this head, as nearly as it can be estimated from the statements published by the local government, has been between 60,000*l.* and 80,000*l.* It does not seem to have been judiciously expended, and there is not much to show for it. The best piece of work is the road from Wellington to the coast, about thirty miles in length, on about eight of which, however, (in the centre,) little labour has been expended, though the whole line can be travelled. It connects Wellington with a fine sea-beach, which forms a natural highway to Wanganui, and the districts between. The Wiararapa road is a failure. The original

estimate for its cost was 14,000*l*. More than 20,000*l*. have been expended upon it, and it will probably cost 20,000*l*. in addition before it can be used. For the last two years nothing has been done to it, and the greater part of what has been commenced is useless. It has been a subject of much complaint among the colonists, that so large a sum of money should have been so expended ; and it is considered by many that the whole line could have been completed at half the cost, if (as the legislative council advised) the work had been performed by contract, instead of being entrusted entirely to the uncontrolled management of the Government engineer, a very young and inexperienced person.

The want of proper ferries across the rivers is also a serious impediment to travelling, and one which has cost many lives. The natives, who earn a few shillings by putting travellers across, will not allow the government to establish regular ferries in charge of European ferrymen, while their own performance of the duty is entirely insufficient. It often happens that for hours, and even days, neither ferryman nor his canoe can be found ; and when found, the latter is so frail a bark, that danger always, and loss of life frequently, ensues. There can be no doubt that the right of establishing and maintaining ferries is a branch of the sovereign power,

and that, under the treaty of Waitangi, (if not otherwise,) it vests in the crown in New Zealand. But hitherto the Government has declined to insist on the natives surrendering the privilege into its hands, though instances of such ferries over wide and dangerous waters occur within a day's ride of the town of Wellington (one within ten miles), and though the native secretary has supported the colonists in urging the propriety and feasibility of its doing so. The censure which a coroner's jury passed upon the Government, and a correspondence which ensued, led to much discussion on the subject at Wellington a few months ago, when two valuable colonists lost their lives in that settlement by the upsetting of a native ferry-boat, but no step to remedy the inconvenience has yet been taken.\*

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\* In his valuable report on the Wellington natives in 1850, Mr. Kemp (native secretary) writes: 'The want of a safe flat-bottomed boat has long been felt at the mouth of the lake, where only a small canoe is now kept; and as the attendance of the natives is very irregular, and as they are moreover incapable of managing a boat in a strong tide rip, I think they should be required to give up the ferry into the hands of a trustworthy European.' The warning was not attended to, and within six months afterwards the two colonists, abovementioned, and a native woman and child, were drowned at the very spot referred to by the secretary.

## § 6. SELF-GOVERNMENT.

The three preceding sections have exhibited in detail a few of the departments of the local government; and, taken as samples of the whole, they will I think elucidate what I meant by saying that there was at the same time too much government and too little. A great amount of machinery is worked, but its operations are attended either with a bad result or no result at all. The only remedy seems to be to change the entire system, and adopt some other which may be more effective.

In the great debate in the House of Commons in 1845,\* upon the affairs of New Zealand, all parties agreed that the only remedy for the evils, which all admitted to exist, was self-government. Not to quote the late Sir Robert Peel or Sir James Graham, the present Prime Minister expressed his decided conviction that 'the voice of the settlers themselves, speaking through their own representatives, could alone extricate the colony from the difficulties in which it was plunged.' Lord Grey (then Lord Howick) hoped 'they would revert to the ancient and wise policy of their ancestors, and

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\* See the Report, published by Murray.

allow the colonists to govern themselves.' Contrasting what our ancestors had done in America two centuries ago, he 'must say that experience was decidedly in favour of allowing a colony to govern itself. We had before us a melancholy proof of the height to which misgovernment might be carried by Downing-street; and he was persuaded that it was utterly impossible for any man, be his talents and industry what they might, adequately to administer the affairs of the British colonies, scattered as they were all over the world. It would have been well for the natives of New Zealand if the colony had been self-governed.' And Mr. Hawes, alluding to the great powers placed in the hands of Governor Grey, said that 'he would not object to it in the present state of the colony. He would at least be free from the 'laborious trifling' of the Colonial Office. Do what they would, they must emancipate the colony from the Colonial Office; they must lay the foundations of local government, and the colony, when left as free as possible, would soon display the original energy of the parent stock. The remedy he proposed was simply this, that the colonies should have local self-government.'

Not long after the above remarks were made, the colonists heard, with feelings which may be easily appreciated, that Lord John Russell, Lord

Grey, and Mr. Hawes, had come into office, the two latter, respectively, as Secretary and Under-secretary of State for the Colonies. There would, of course now be no delay in reverting 'to the wise policy of their ancestors, and allowing them to govern themselves.' No fear of their being any more troubled with the 'laborious trifling' of the Colonial Office. The very men who but a few weeks before had declared self-government the remedy for all existing evils, had now the power of bestowing it. Doubtless they would soon be left 'as free as possible' to administer their own affairs.

The most judicious course to have pursued would have been to ascertain by actual reference to the colonists, what sort of a constitution of self-government would meet their views, and be considered by them as a fulfilment of the hopes which had been so lately excited. This prudent course however was not adopted; but, without even the slightest hint of the views of the colonists, a constitution was framed in the recess, and, without having been laid before Parliament, was sent out to the colony. It presented some points which at first sight seemed very liberal,—such as a suffrage practically universal; but these were counterbalanced by others—such as the double election—which reduced its liberality to a mere shade; while

the whole measure was so involved, so little like any constitution which had ever been seen before, and so entirely deficient in that first essential, simplicity of design, that the colonists were not less puzzled to understand it than they were disappointed at its insufficiency when they did so. Nevertheless, believing that it contained within itself the elements of amendment in their hands, they were content to accept it as an instalment, and were every day expecting its introduction, when they learned that it had been suspended by act of parliament for five years, and no substitute provided by the act for the interval. The Governor, however, was authorised by the act and by the Colonial Office to introduce any sort of constitution he might please in the interval; and on his framing one on ultra-despotic principles, he found full support from the Colonial Office, notwithstanding the loud and reiterated complaints of the colonists, which were barely acknowledged.

However, on the 13th of May, 1850, Lord John Russell announced, in the House of Commons that in consequence of advices from Governor Grey, the Government was prepared to bestow self-government on New Zealand immediately, but as there was not time then to legislate on the subject (it was only the 13th May), it would be postponed till the ensuing session,

when he would introduce a measure on the subject.\* The 'ensuing session' has now passed over, and neither Lord John Russell nor anybody else has, in either house of parliament, so much as alluded to the New Zealand constitution ; and it seems certain that the colonists will remain another year, if not many more years, in what has been well styled, 'the sad condition of being subject to the will of an unlimited man.'

And now let us inquire into the acts of Governor Grey in the colony, in reference to this question.

His first movement was during the short secretaryship of Mr. Gladstone, in 1846. Possibly he had heard of the very liberal views entertained on the subject of colonial government by that statesman. At all events he wrote to him, recommending the introduction of self-government into the colony, and he took occasion particularly to describe the fitness for it of the colonists in the southern settlements. 'With a considerable acquaintance,' he says, 'with British settlements, I can have no hesitation in recording my opinion, that there never was a body of settlers to whom the power of local self-government could be more wisely and

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\* Hansard, 1850.

judiciously entrusted, than the inhabitants of the settlements to which I am alluding.' Before this recommendation reached home, Lord Grey's constitution was on its way out. On its reception, the Governor wrote to Lord Grey, objecting to its details, observing, 'that it introduced changes greater than he thought prudent,' and suggesting a constitution pretty much on the established Colonial Office model, consisting partly of nominees and partly of representatives. The home government having on this rushed from one extreme to another, and Lord Grey's new constitution having been suspended for five years, the Governor was authorised to add, if he thought proper, to the existing constitution of the colony, a Provincial Government, formed either on an entirely representative, a partly representative, or an absolutely despotic principle.\*

He chose the latter, and to justify his doing so, he who had but lately described the colonists as so remarkably fitted for self-government, now turned round, and after enumerating 'the disappointed applicants for office, the land-

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\* See section 4 of the Suspending Act; Lord Grey's despatch of 18th March, 1848; and the replies of Messrs. Labouchere, Buller, and the Attorney-general to Lord Lincoln in the House of Commons, February 9, 1848.

sharks, the aliens, the various persons arriving from the Pacific, the Americans, and other persons disaffected towards the British, or, indeed, towards any government,\* with whom he finds the colony is teeming, he asks, what advantage is to be gained by introducing self-government among so small a number of Europeans, who, were demanding the power of expending a revenue arising from the British treasury, and who would probably quarrel with the natives, and involve the colony in the worst consequences, if free institutions were bestowed upon them? This was in March, 1849.

The step aroused the colonists. Associations were formed in the different settlements, numerous petitions and memorials, complaining of Sir George's conduct, and dissecting his published statements, were sent home. There they proved altogether ineffectual; but the general excitement in the colony, which instead of subsiding continued to increase, appears to have alarmed the Governor, and within eight months after his describing the extreme unfitness of the colony, as above, he writes home announcing its complete fitness, (forgetting, no doubt, 'the aliens, the land-sharks, the Americans, and other

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\* Parliamentary Further Papers. New Zealand, 1850, p. 59.

disaffected persons,') and recommends the immediate introduction of self-government.\* And then, without waiting to receive a reply from the home government, he produced in the colony a portion of a constitution such as he stated he had recommended, and proposed to introduce it at once ; which, as it related solely to the provincial department, he had the power to do under the instructions given him in 1846. He laid his measure before the colonists, and it proved, as many expected it would, a mere delusion—a simple transcript, in all its leading features, of the old Colonial Office model, which, while it gives the outward semblance of self-government to the colonists, retains all the reality of power in the hands of the governor. Large public meetings were held at Wellington, Nelson, and Auckland ; the subject underwent a complete discussion during an agitation which lasted for upwards of three months, and it ended in the unanimous condemnation of Sir George's measure, and a suggestion of a form of constitution very different from it, which the colonists consider adapted to their circumstances. I will in the next section briefly notice the leading features of the measures proposed by Lord Grey, Sir George Grey, and the colonists.

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\* Parliamentary Further Papers, August, 1850, p. 104.

It is not surprising if treatment such as the colonists have thus received from both the home and local government should create feelings of the greatest bitterness among them. There are few of them who do not think and feel strongly on such matters. Self-government has long been regarded by them as the cardinal point of colonial politics ; and the voluntary excitement of their dearest hopes, ending in a series of disappointments extending over a period of six years, is felt to be most cruel, and unworthy of the parent State. And when it is remembered that the colonists are men of energy, resolution and enterprise, who have staked their all in the colony ; that many of them are persons of high intelligence and the best education, fellows and members of the English, Scotch, or Foreign universities, respectable merchants, or sturdy yeomen and farmers, accustomed to exercise the franchise in the home country, or familiarized, by foreign travel with the institutions of other nations ; when it is considered that their earnest desire for self-government, and their conviction of the fitness of the colony for it, have been thwarted by the opinion of one man of certainly no greater intelligence or position in the home country than many of them, and whose experience has been limited almost entirely to the narrow institutions of New Holland, and the still nar-

rower interests of one of its settlements,—when these facts are called to mind, we cannot help wondering at the infatuation which perseveres in a course so certain to alienate the affections of what was at one time one of the most loyal and attached of the British colonies. A generous loyalty is the offspring of a free spirit, drawn by natural impulse towards the institutions under which it has sprung up and flourished; it will never long exist in the breasts of Englishmen towards those whom they feel to be their oppressors. For a time they may distinguish between the Colonial Office and the Crown, but the general apathy of the home public, and even of some who call themselves colonial reformers, and the total inattention with which their urgent complaints are received, cannot fail in the long run to break the hearts of the colonists or sour their tempers towards the Old Country. Once implant such a feeling, and the experience of America teaches that a century will not eradicate it.

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#### § 7. CONSTITUTIONS, EXISTING AND PROPOSED.

I shall now give a brief outline of the four different constitutions which have been proposed for New Zealand:—

1. LORD GREY'S.—The colony is to be divided

into provinces, of which, in the first instance, there are to be two. These provinces are to be subdivided into boroughs or municipalities. Each province and each borough will have its own legislative and executive government, while a general or federal government will comprise the whole. The working of the machinery commences from below ; the municipal institutions are first to be organized. These consist of a mayor, aldermen, and common councillors, elected on a franchise which is practically universal, viz., the occupation of any tenement within the borough for six months, by a male adult. Then follow the provincial institutions. These consist of an upper house and a lower ; the former nominated by, and holding office at the pleasure of the crown ; the latter elected by the mayor, aldermen, and common councillors of the several boroughs. Lastly, the general or federal institutions, consisting likewise of two chambers, the upper selected by the governor from the upper provincial houses ; the lower, elected from themselves by the members of the lower provincial houses.

\* Such a constitution could scarcely be expected to work. It contains the elements of discord, and is based on principles altogether at variance with each other. The foundation of the whole is universal suffrage ; but the moment the first

step has been taken on this principle, it is retraced, and the power which was apparently vested in the people is found to be handed over to the mayors and aldermen. This system of electoral chambers, or double election, is not new—it has been tried in Spain, and elsewhere, and always failed. Then the creation of a nominated upper house (very different from an hereditary upper house), and an elective lower one, is certain to lead to a conflict between the two, and a dead lock of the wheels of the government machine.

Lord Grey also provides for the reservation of a civil list, the amount and application of which are to be in the discretion of the lords of the treasury in England. This is, of course, fatal to all pretences of its being a system of responsible government in the hands of the colonists.

And lastly, the entire executive department of government, federal and provincial, is placed in the hands of the governor.

2. GOVERNOR GREY'S constitution of 1848, now in force in the colony, adopts the provincial division of Lord Grey—provides a single legislative chamber in each province—consisting solely of *ex officio* members of the government, and nominees appointed by the governor, and removable at the pleasure of the Colonial Office.

A federal legislative chamber, consisting of

one house, composed of the same elements as the provincial. A civil list is reserved in each province ; the amount and appropriation at the discretion of the lords of the British treasury, who, for the present, have fixed it at 6000*l.* a-year, but which Governor Grey has recommended to be increased to 10,000*l.*—a sum which would absorb nearly one-half of the existing revenue, and in case of a subdivision of the provinces, and creation of smaller new ones, would for some years absorb the whole. The entire executive power, without check or control, is vested in the Governor.

3. GOVERNOR GREY'S constitution, No. 2, stated by him to have been recommended to the home government in November, 1849.\* The provincial division as before. A single legislative chamber consisting of one-third nominees of

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\* This is the date of Governor Grey's recantation of his despatch of the previous 22nd March. But his despatch of November, 1849, does not contain any recommendation of a specific form of government such as he proposed in the colony, and said he had recommended at home ; nor can I find it elsewhere in the Parliamentary papers. It appears by the latest news from the colony, that he has been since promising the *daily* arrival of a double chamber constitution. Thus are the colonists doomed to further disappointments, for none such has been framed or gone out from home.

the Governor, and two-thirds elected members ; the franchise for their election being, to be an adult male possessed of a freehold estate of the value of 50*l.* ; a leasehold of the value of 10*l.* a-year, or to be a householder in a town of the value of 10*l.* a-year, in the country, of 5*l.* a-year. The form of federal government is understood to have been recommended by the Governor on a similar basis, but with a qualification for membership. The civil list remains as before.

The laws passed under the above constitutions (both Lord Grey's and the Governor's) are all subject to disallowance by the Governor, and by the Colonial office also, an absolute veto being reserved to both.

And the waste lands of the colony are still to be administered by the crown, the colonists having no voice whatever in the matter.

It is evident that the reservation of a civil list, making the executive government of the colony independent of the colonists, and the power of the Governor to appoint a third part of the legislative council, together with the vetos reserved to the Governor and Crown, deprive Governor Grey's proposed constitution of all the reality of self-government. It is true that, like Lord Grey's, it presents an external appearance of liberality by the creation of an elective franchise almost universal. But

what can the elected members do when they take their seats in the legislature? They have only a small portion of the revenue subjected to their control, while they are liable to be thwarted by the nominated members; and if they succeed in spite of them in passing a law, it may be immediately disallowed by the Governor; or, if he thinks proper to shift the responsibility off his own shoulders, it may be treated in the same manner by the Colonial Office.

4. In short, none of these proposed constitutions provide a particle of self-government. The colonists seem to understand in what it consists. They demand the absolute control of their own revenue, and of the Executive Government. They insist on the exclusion of Government nominees from the legislature, and they will admit of no veto on their local legislation, except that of the governor exercised on his independent responsibility, and without the control of the Colonial Office. They have proposed a constitution, of which the following are the leading features:—A legislature consisting of two chambers, both entirely elective. A franchise universal, except as far as limited by twelve months' residence. No qualification for membership in the lower house. Greater age and longer residence the qualification for membership in the upper. No civil list to be reserved. The judges to hold

office, as in England, during good behaviour ; and not, as now, at the pleasure of the crown. The lower house to be elected for three years, the upper for five. No veto to be exercised by the Colonial Office, nor any interference by it permitted in any matter purely local, and not involving imperial interests. These are the principles they lay down. All questions of detail they propose to leave to the legislative councils when formed. Whether the form in which they propose to embody their principles is the best will of course admit of discussion ; but it is certain that no form will satisfy them which does not provide for the development of the principle of self-government in all local matters whatsoever. They do not want to interfere in the affairs of the Imperial Government, but neither do they wish the imperial government to interfere with their local affairs. They conceive themselves quite as able to judge of the expediency of any law relating to local interests as the gentlemen in Downing-street who have never seen the colony, or their deputy the governor, who has no stake in it, can be. They imagine themselves as competent to judge of the merits of public officers, of the necessity of employing them, and the amount of remuneration to be paid for their services. They think that they will be likely to decide

quite as well on all which concerns themselves, their prosperity and advancement, which they know and feel to have been most seriously affected and retarded by the acts of the Colonial Office. They contend, with honest indignation, as Lord Grey contended in 1845, that the natives are as safe in their hands as in those of Downing-street, to whose mismanagement they attribute, as Lord Grey attributed, all the mischiefs which have occurred in reference to them, as well as in great degree the probability of their extinction. Their principle in short is simply, Local government for local matters ; Imperial for imperial only.

Their suggestions are now before the home Government, and will doubtless be noticed whenever a measure is brought before parliament on the subject. If the Colonial Secretary and Under Secretary were ever sincere in their talk about self government, they will bestow institutions at least substantially in accordance with the wishes of the colonists. If they adhere to the old Colonial office form, with its nominees, civil lists, dependent judges, vetos and so forth, they will merely by their legislation lay the foundation of years of agitation and discontent.

The leading feature to be secured is the complete localization of the institutions of govern-

ment. I have pointed out in my first chapter the separate and distinct character of the six several colonies of New Zealand. Physically and socially they have no more connexion than the early American colonies had. To ensure effective government, they should be politically as independent of each other. I do not mean by this that a duplicate of the Colonial Office establishments now existing at Auckland and Wellington should be bestowed upon each of the others, at a cost of some 10,000*l.* a-year in each, and with its share of local and home patronage. Such blisters would absorb every particle of moisture in the social body. But give each colony the frame-work of a simple elective legislative and executive power in all matters locally peculiar to itself; bind them together by a federal government in a few essential particulars, involving federal interests, (such as the regulation of customs, &c.) and leave them to work out the rest themselves. This was evidently what the late Sir Robert Peel had in his mind when he concluded the great debate of 1845, and it is the only practical and permanent remedy for the chronic distempers of New Zealand.

Delay will make the task more difficult every day. Deprived of all legitimate political action, the colonists will become unfit for it. They are

not now so capable of self-government as they were eight or ten years ago. They have forgotten much that they knew, much that they had seen in the parent country; they have been brought in some instances under influences fatal to independence of character; and some are even to be found who, casting aside all political thought, are willing to sit down contented with things as they are.

## APPENDIX.

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### TRANSFER OF LAND.

**I**N a newly-settled country, the transactions relating to land are, proportionably, much more numerous than in an old one. Every day somebody is buying, selling, leasing, or otherwise dealing with that species of property. It is the savings' bank of the labouring man, in which he invests not only his earnings, but his whole heart and energies, as has been so well described by Mr. Mill and M. Michelet. Consequently many of the transactions relate to very small allotments, often not exceeding five acres, to which another five will be added when more wages have been saved. And hence (though in fact it is not less important to the class which owns large estates,) there results in a more evident manner the importance of a cheap and expeditious method of transferring that species of property which, by a feudal form of expression, is still called 'real estate.'

In New Zealand, the law relating to the ownership and transfer of land, is substantially the same as in England, though modified in some particulars (not very artistically) by ordinances of the local legislature, passed in 1842. In the simple state of facts which titles exhibit in their earlier stages of existence, the inconveniences of the 'prolix and intricate system' of English conveyancing, are comparatively little felt; but when titles become more complex, and are derived from a more remote origin, there is no reason to expect that the evils which attend it in England will not be equally felt in New Zealand. It would be a most desirable

thing if a system could be introduced at once which should obviate the possibility of such an event.

A method of transfer by registration has been proposed by some law reformers in England, which, whether it be applicable or not in the old country, could, I think, be introduced without difficulty into the colony; which would ultimately save to the community nearly the whole of the immense cost incurred under the present English system; and would place titles to land on a secure and transparent basis. I allude to the proposal to assimilate the transfer of landed property to that of Bank Stock.

In any country in which this system is to be introduced, there must be prepared a set of maps or plans of such districts as it may be found convenient to divide the country into. On each of these must be delineated with accuracy, the general boundaries of every estate held as a separate tenement. Such plans would in an old country be costly, but in New Zealand they either exist already, or are in process of preparation wherever the country is being settled.

The plans being prepared, the local registrar must open a set of books headed in accordance with them, in which a separate page must be appropriated to every estate numbered on the plan. Thus, to take Canterbury for an instance, there would be a volume for the Sumner district, another for the Wilberforce, a third for the Whately, or a more minute subdivision if necessary; and under each of these heads a separate page would be allotted to section 1, another to section 2, and so on. When the registration commenced, every landowner would produce to the local registrar his land order, or other evidence of title, on inspection of which an entry would be made in the page appropriated to his estate, in the register, and at the same time a certificate corresponding exactly with such

entry be issued to him. It would be simply to this effect :—

‘CANTERBURY, District of Sumner.

‘I hereby certify that A. B. is the registered owner of Section 1, Sumner District, containing fifty acres, or thereabouts.

‘Lyttelton, Jan. 1, 1852.’

This registration being effected and the certificate issued, the owner of the estate in question would have as valid a title, and a far more easily transferable one, than if it rested on the united labours and ingenuity of all Lincoln’s Inn.

Suppose that he should wish to mortgage the land so registered, he would have nothing to do but to hand over his certificate to the party lending him the money, accompanied by a memorandum to this effect :—

‘Memorandum.—That I have borrowed of E. F., this day, 200£., at 10 per cent., upon deposit of the annexed certificate. If not paid in full this day six months, E. F. may sell at discretion.

1st May, 1852.

(Signed)

A. B.

‘Witness, G. H.’

E. F. would take these documents to the registrar, who would make an entry of the transaction, under the proper head, and issue a certificate in conformity with it, destroying or filing the original certificate of ownership granted to A. B. When the mortgage is paid off, a discharge would be endorsed on the mortgage certificate by the mortgagee; the mortgagor would present it to the registrar, who would cancel the mortgage entry in his books, and issue a new certificate of simple ownership, or re-issue the original one, if filed.

Similar entries and certificates would attend every

lease, judgment, or other simple transaction, and subordinate entries (in a separate book with references) might be made in case of sub-leases, or assignments of judgments and mortgages. As far as all the simple and ordinary transfers of property are concerned, this system could scarcely fail to work. No expense, except the registrar's fees, need be incurred; no lawyer consulted; no delay arising out of the preparation of abstracts and investigation of title need occur. The vendor or mortgagor would walk to the registrar's office, accompanied by the vendee or mortgagee, pay a few shillings to the registrar, and the largest estate in the colony might change hands in ten minutes, without trouble or risk.

In the case of subdivisions of estates, they would have to be marked on the plan, and a subordinate account opened under such heads as 'Sumner, section 1, A,' 'Sumner, section 1, B,' and so forth.

With transactions of a more complicated nature, as marriage settlements, deeds of trust for creditors, &c., it has been questioned how far their nature should be noticed in the registry. The Bank of England in its transfer books declines to enter into such matters. It recognises the registered owner (the trustee) and him only. To him it pays the dividends, to his order transfers the stock. And no inconvenience seems to result. The responsibility of the trustee is secured by the Court of Chancery. There seems no reason, however, why the registrar should not, if required, record fiduciary transactions so far as to give notice to parties dealing with trustees of their being such; but of course for purposes of transfer, treating them as absolute owners.

Objections are made to this system on a superficial examination of it, on the ground of the inherent difference between land and money as subjects of transfer.

Land, we are told, 'has no ear mark.' But, in fact, neither the land nor the money (in case of Bank Stock) are the subject of transfer, but only the title or evidence of ownership in each. Different as acres and sovereigns undoubtedly are, the title to them may be identical,—the same will, settlement, or deed of gift. What operates as a valid transfer of that title, when stock is the subject matter, may equally operate when it is land. Give land its 'ear-mark' by means of a plan, and the title to it may be as easily transferred as that to Bank Stock.

Other objections are, the risk of fire and forgery. They exist equally in respect of Bank Stock, and may be provided against to great extent by a metropolitan duplicate registry, and by several symbols, such as the issuers of scrip, &c., are familiar with. Insurance could be effected against either risk.

The only remaining objections I have ever heard raised, are either such as exist equally to the present system of conveyancing, or such as are removable by legislation and administrative ingenuity.

The system must not be confounded with any of the existing systems of registration. They only record transfers previously effected by deeds involving all the cost and uncertainty of which so many complaints are made. The method now proposed is to effect the transfer by means of the registry itself, not merely to make the registry a record of a previous transfer. It gets rid of all investigation of title; the title being always 'written up' to the present time on the face of the register, and it also obviates the necessity for the seventy or eighty skins or any other number of skins of parchment which, under the existing system, are necessary to pass the title from one person to another.

The plan was proposed by me to the New Zealand

Company in 1849, and by it laid before the Colonial Office, which printed it in the *Blue Book* for 1850, and sent it out to Governor Grey, declining to prescribe the enactment of measures of 'a strictly local character;' though it does not appear more so than the Government bank and some others which have been prescribed from home. Nothing has been done about it in the colony.

The reader who wishes to examine the subject more closely than I can do in these pages, is referred to a 'Letter to the Earl of Yarborough, by Henry Sewell, Esq.,' published by Butterworth, Fleet-street; in which it is very fully and ably discussed; and to an article in the *Westminster Review* for March, 1846. The principle is evidently approved by the writer of the leading articles in the *Times* of 28th June and 19th July last, though, in the present state of the public mind, he is contented to take as an instalment the imperfect measure now before Parliament.

It is surprising to me that some attempt should not have been made to secure the introduction of such system by the founders of the Canterbury Settlement. It is not too late now to commence it there. At present every acre of land in that settlement must be dealt with in conformity with Coke upon Lyttleton, only if at all modified by ordinances passed at Auckland, where an entirely different system of colonization exists.

THE END.

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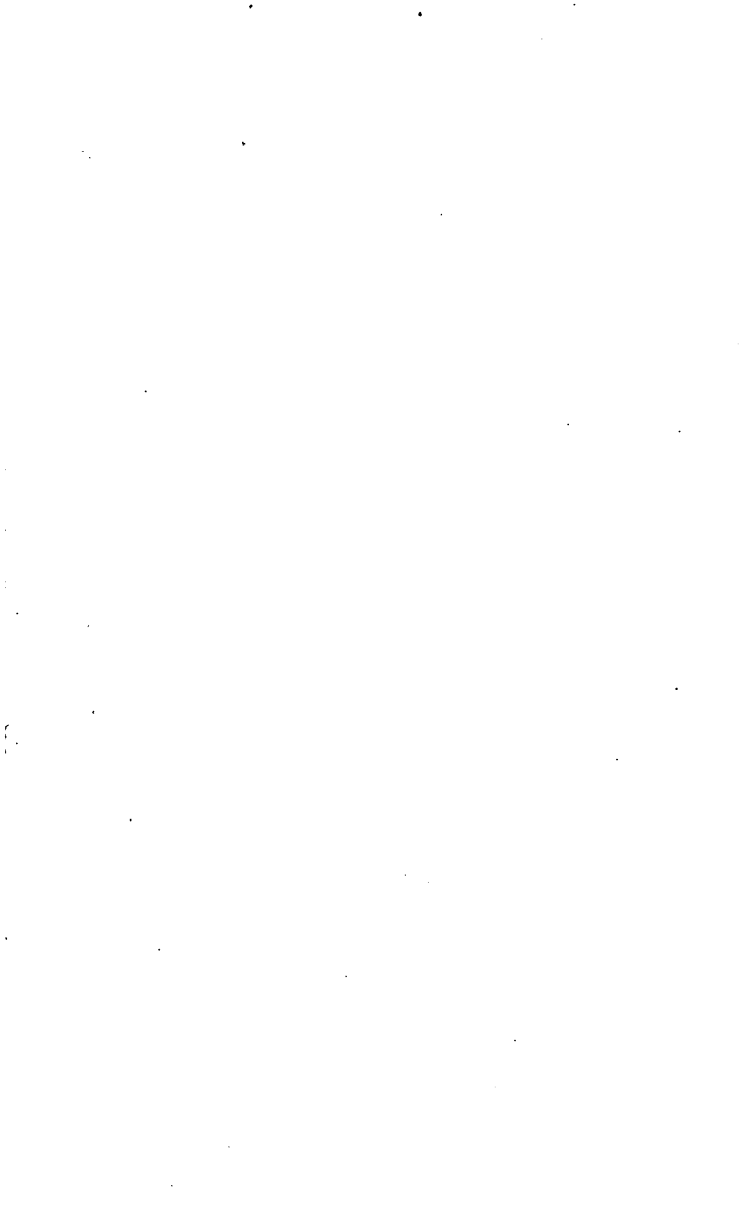
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